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GENERAL ORDERS, NO. 76,

AUTHORIZING THE ASSEMBLING OF

THE CONSTITUTIONAL CONVENTION.

HEAD-QUARTERS THIRD MILITARY DISTRICT,
GEORGIA, ALABAMA AND FLORIDA,)
Atlanta, Georgia, October 18, 1867.

GENERAL ORDERS, No. 76.

WHEREAS, By General Orders, No. 59, from these Headquarters, dated August 31, 1867, an Election was ordered to be held in the State of Alabama, on the *First*, *Second and Third days of October*, 1867, at which Election, in pursuance of an Act of Congress, entitled "An Act to provide for the more efficient government of the rebel States" and the Acts supplementary thereto, the registered voters of said State might vote "for a Convention," or "against a Convention," and for delegates to constitute the Convention in case a majority of the votes given on that question should be for a Convention, and in case a majority of all the registered voters should have voted on the question of Convention;

AND WHEREAS, At an election held in pursuance of said order, and in conformity to said Acts, there were polled on the question of Convention votes to the number of *Ninety-five Thousand Eight Hundred and Sixty-Six* (95,866,) that being more than one half of *One Hundred and Sixty-five Thousand Eight Hundred and Thirteen* (165,813,) the whole number of registered voters in said State, including those registered during the five days mentioned in said order; and of the whole number of votes polled on the question of Convention, *Ninety Thousand Two Hundred and Eighty-three*, (90,283,) (being a majority of the same,) were cast "For a Convention."

AND WHEREAS, At said Election the following named persons were elected as Delegates to said Convention from the respective Election Districts in which they were so chosen:

From the First Election District—Gustavus Horton, Albert Griffin, Alfred E. Buck, John Carraway c Ovid Gregory c

From the Second Election District—Mark D. Brainard, Stephen Moore.

From the Third Election District—Augustus W. Jones.

From the Fourth Election District—Samuel S. Gardner, William R. Jones.

From the Fifth Election District—R. M. Johnson, R. Deal, J. C. Jolly.

From the Sixth Election District—David Lore, H. C. Russell, Thomas Diggs. c

From the Seventh Election District—W. H. Black, James Falmer, L. S. Latham, B. F. Royal. c

From the Eighth Election District—James H. Howard.

From the Ninth Election District—C. A. Miller, N. D. Stanwood, Wm. M. Buckley.

From the Tenth Election District—R. M. Reynolds, J. H. Burdick, A. L. Morgan.

From the Eleventh Election District—James M. Jackson.

From the Twelfth Election District—Luther R. Smith, J. J. Gilder.

From the Thirteenth Election District—George Ely, Washington Johnson. c

From the Fourteenth Election District—Littleberry Strange, J. J. Martin.

From the Fifteenth Election District—H. C. Semple, Jas. P. Stow, Charles W. Buckley, John C. Keffer, Peyton Finley c

From the Sixteenth Election District—B. F. Saffold, D. E. Coon, J. Silsby, A. Strother, J. Hatcher c

From the Seventeenth Election District—Pierce Burton, Charles W. Dustan, J. Wright McLeod c

From the Eighteenth Election District—Simeon Brunson, Benjamin Rolfe, B. Yordy, Benjamin Inge c

From the Nineteenth Election District—John H. Meadors, Samuel Blandon c

From the Twentieth Election District—B. W. Norris, C. H. Cabot, John L. Alexander.

From the Twenty-first Election District—J. H. Speed, G. W. Graves, Thomas Lee. c

From the Twenty-second Election District—W. T. Blackford, B. S. Wheelan, James K. Greene c Charles Hayes, B. Alexander c

From the Twenty-third Election District—T. Towles, Early Greathouse, Timothy J. Russell.

From the Twenty-fourth Election District—J. F. Hurst.

From the Twenty-fifth Election District—James R. Walker.

From the Twenty-sixth Election District—Jesse W. Mahan.

From the Twenty-seventh Election District—Joseph H. Davis.

From the Twenty-eighth Election District—Arthur Bingham, George P. Plowman, Thomas Adams.

From the Twenty-ninth Election District—E. W. Peck, H. McGown.

From the Thirtieth Election District—C. L. Steed, J. H. Autrey.

From the Thirty-first Election District—H. J. Springfield.

From the Thirty-second Election District—W. A. Walker.

From the Thirty-third Election District—J. F. Morton.

From the Thirty-fourth Election District—J. W. Wilhite.

From the Thirty-fifth Election District—W. T. Ewing, W. C. Garrison.

From the Thirty-sixth Election District—George J. Dykes.

From the Thirty-seventh Election District—Alfred Collins.

From the Thirty-eighth Election District—W. A. Austin, C. O. Whitney.

From the Thirty-ninth Election District—S. F. Kennemere.

From the Fortieth Election District—Thomas Haughey.

From the Forty-first Election District—Thomas M. Peters, B. O. Masterson.

From the Forty-second Election District—A. J. Applegate, Columbus Jones, LaFayette Robinson.

From the Forty-third Election District—James W. Stewart, Daniel H. Bingham, James T. Rapier.

From the Forty-fourth Election District—William S. Skinner, H. H. Russell.

It is ordered, That the persons above named do meet in Convention at Montgomery, Alabama, at the Capitol, on *Tuesday, the 5th day of November*, 1867, and proceed to frame a Constitution and Civil Government for the State of Alabama, according to the provisions of the Acts above referred to, and that when the same shall have been so framed, the said Constitution be submitted for ratification to the registered voters of said State as further required by law.

JOHN POPE,
Major General, U. S. A.

Official:
S. C. GREENE,
Capt. 24th Inft'y, Bv't Maj. U. S. A.,
A. A. A. G.

OFFICIAL JOURNAL

OF THE

CONSTITUTIONAL CONVENTION

OF THE

STATE OF ALABAMA,

HELD IN

THE CITY OF MONTGOMERY,

COMMENCING

ON TUESDAY, NOVEMBER 5TH, A. D. 1867.

MONTGOMERY, ALA.:
BARRETT & BROWN, BOOK AND JOB PRINTERS AND BINDERS.
1868.

OFFICIAL JOURNAL.

FIRST DAY.

Montgomery, Ala., Tuesday, Nov. 5, 1867.

This being the day designated by Maj. Gen. John Pope, commanding the Third Military District, of Georgia, Alabama and Florida, for the meeting of the Constitutional Convention of Alabama, the members elect in attendance, met at the Capitol in the Hall of the House of Representatives at 12 o'clock, M., and were called to order by Mr. Martin of Macon, on whose motion, Mr. Griffin of Mobile, was appointed temporary Chairman. On motion of Mr. Keffer of Montgomery, Mr. Robert Barber of Montgomery, was appointed temporary Secretary.

The roll of the delegates was called and the following members appeared and registered their names:

From the 1st district, Gustavus Horton, Albert Griffin, Alfred E. Buck, John Carraway, Ovid Gregory, of Mobile.

From the 2d district, M. D. Brainard of Monroe, Stephen Moore of Baldwin.

From the 4th district, S. S. Gardner of Butler, Wm. R. Jones of Covington.

From the 5th district, R. M. Johnson of Henry, R. Deal of Dale, J. C. Jolly of Coffee.

From the 6th district, David Lore, H. C. Russel, Thomas Deggs of Barbour.

From the 7th district, W. H. Black of Bullock, James Falmer, L. S. Latham, B. F. Royal.

From the 8th district, James H. Howard, of Crenshaw.

From the 9th district, C. A. Miller, W. M. Buckley, N. D. Stanwood, of Lowndes.

From the 10th district, R. M. Reynolds, J. H. Burdick, A. L. Morgan, of Wilcox.

From the 11th district, James M. Jackson of Clarke.

From the 12th district, L. R. Smith of Choctaw, J. J. Gilder of Washington.

From the 13th district, George Ely, Washington Johnson, of Russell.

From the 14th district, Littleberry Strange, J. J. Martin, of Macon.

From the 15th district, H. C. Semple, J. P. Stow, C. W. Buckley, J. C. Keffer, P. Finley, of Montgomery.

From the 16th district, B. F. Saffold, J. Silsby, D. E. Coon, H. Stokes, J. Hatcher, of Dallas.

From the 17th district, Pierce Burton, C. W. Dustan, J. Wright McLeod, of Marengo.

From the 18th district, Simon Brunson of Sumter, B. Rolfe of Pickens, Benjamin Yordy of Sumter, Benjamin Inge of Sumter.

From the 19th district, J. C. Meadors, Samuel Blandon, of Lee.

From the 20th district, B. W. Norris of Elmore, C. M. Cabot of Elmore, J. L. Alexander of Autauga.

From the 21st district, J. H. Speed, G. W. Graves, Thomas Lee, of Perry.

From the 22d district, W. T. Blackford of Hale, B. L. Wheelan of Hale, Jas. K. Greene of Hale, Charles Hayes of Greene, B. F. Alexander of Greene.

From the 23d district, O. Towles of Chambers, Early Greathouse and T. J. Russell of Tallapoosa.

From the 24th district, J. F. Hurst of Coosa.

From the 25th district, J. R. Walker of Shelby.

From the 26th district, J. W. Mahan of Bibb.

From the 27th district, J. H. Davis of Randolph.

From the 28th district, Arthur Bingham of Talladega, G. P. Plowman of Talladega, Thomas Adams of Clay.

From the 20th district, E. W. Peck and H. McGown of Tuscaloosa.

From the 30th district, C. L. Steed of Cleburne, J. H. Autry, of Calhoun.

From the 31st district, H. J. Springfield of St. Clair.

From the 32d district, W. A. Walker of Jefferson.

From the 33d district, J. T. Morton of Fayette.

From the 34th district, J. F. Wilhite of Winston.

From the 35th district, W. G. Ewing of Baine, W. C. Garrison of Blount.

From the 36th district, Geo. J. Dykes of Cherokee.

From the 37th district, W. A. Austin of DeKalb.

From the 38th district, C. O. Whitney, Alfred Collins.

From the 30th district, S. F. Kennamer of Marshall.

From the 40th district, Thos. Haughey of Morgan.

From the 41st district, Thomas M. Peters and B. O. Masterson, of Lawrence.

From the 42d district, A. J. Applegate, Lafayette Robinson, C. Jones, of Madison.

From the 43d district, James W. Stewart of Lauderdale, D. H. Bingham of Limestone, J. T. Rapier of Lauderdale.

From the 44th district, Wm. Skinner of Franklin, H. H. Russell of Colbert.

On motion of Mr. Keffer of Montgomery, the Hon. E. W. Peck of Tuscaloosa, was unanimously elected President of the Convention.

Messrs. Saffold of Dallas, and Miller of Lowndes, were appointed by the chairman as a committee, to wait upon the President-elect and conduct him to the chair.

On motion of Mr. Semple, the Convention then proceeded to elect a Secretary.

Messrs. Barber and Patrick of Montgomery, McDuffie of Lowndes, and Harris of Dallas, were put in nomination.

Mr. Barber having received a majority of all the votes, was declared elected permanent Secretary of the Convention.

Mr. Coon of Dallas, offered the following resolution:

Resolved, That until otherwise ordered, the officers of this Convention shall consist of a President, a Secretary, two assistant Secretaries, a Sergeant-at-Arms, a Door Keeper, a Fireman, a First and Second Messenger.

Mr. Bingham of Limestone, moved to amend, by adding two Pages, which was agreed to.

The resolution as amended was then adopted.

The election was then proceeded with, and G. H. Patrick of Montgomery, was elected First Assistant Secretary, Moses B. Avery of Mobile, Second Assistant Secretary, John D. Terrell of Lawrence, Sergeant-at-Arms, Henry Hunter Craig of Montgomery, Door Keeper.

Mr. Semple moved to reconsider the vote authorizing the Convention to elect Pages, Messengers and Firemen, and moved that the power of appointing the same be given to the Secretary of the Convention, which was agreed to.

Mr. Coon of Dallas, offered the following resolution:

Resolved, That the members elect of this Convention be, and they are hereby requested severally, to take an oath to support the Constitution of the United States, and to faithfully discharge their duties as members of this Convention.

On motion of Mr. Semple of Montgomery, the resolution was laid upon the table.

Mr. Bingham of Limestone, offered the following resolution:

Resolved, That a committee of fifteen be appointed by the President to prepare and report a Constitution for the government of the State of Alabama, to be submitted to the consideration of this Convention.

Mr. Peters of Lawrence, offered an amendment, to-wit:

That the President appoint 12 committees—On Preamble and Bill of Rights, Representatives, Senators, Executive, Judiciary, Public Schools, Corporations, County Boundaries and Municipal Organizations, Finances, Pay of Delegates, Franchise, and Rules.

Mr. Coon of Dallas, offered an amendment to the amendment, specifying the number of which each committee should consist.

On motion, the further consideration of the resolution and amendments was postponed until to-morrow.

Mr. Speed of Perry, moved that a committee of three on Public Printing be appointed, which was agreed to, and the President appointed as the committee, Messrs. Speed, Keffer and Davis.

Mr. Norris of Elmore, offered the following resolution:

Resolved, That the members of this body who are clergymen be invited by the Secretary to act alternately as chaplains to this Convention.

Mr. Carraway of Mobile, moved to amend, as follows:

That the Secretary appoint none as Chaplains unless they have been loyal to the government.

Mr. Speed of Perry, moved to amend, as follows:

That any one of such clergymen as may be present at the opening of the session each day, be invited to open the Convention with prayer.

Mr. Carraway of Mobile, offered as a substitute for the whole subject, the following resolution:

Rseolved, That the Secretary be empowered to appoint a Chaplain to open the Convention with prayer each day of the session.

Pending which, on motion,

The Convention adjourned to 10 A. M., 6th inst.

SECOND DAY.

MONTGOMERY. ALA., Nov. 6, 1867—10 A. M.

The Convention re-assembled pursuant to adjournment.

Prayer was offered by Rev. Mr. Silsby, of Dallas county.

The Journal of yesterday's session was read and approved.

The unfinished business of yesterday, pending at adjournment, to-wit: "The appointment of a chaplain for the Convention," was resumed.

The question was upon the adoption of the substitute offered by Mr. Carraway of Mobile, which was adopted, as follows:

Resolved, That the Secretary be empowered to appoint a chaplain to open the Convention with prayer on each day of its session.

Mr. Peters of Lawrence, offered the following resolution:

Resolved, That the editors and reporters of the newspapers of this city, and the State of Alabama, or any other State in the Union, be allowed to occupy seats in this Hall, for the purpose of reporting the proceedings of this Convention.

The resolution was adopted.

Mr. Gardner of Butler, offered the following resolution:

Resolved, That until otherwise ordered, the Rules and Orders of the Alabama House of Representatives be adopted for the government of this Convention as far as applicable;

Which was adopted.

Mr. Morgan, of Wilcox, offered the following:

Resolved, That the clerk of the Convention immediately place in a box the number of each district and the name of each member of the Convention, written on a separate slip of paper, and that he then proceed in the presence of the Convention to draw from said box, one at a time the said slips of paper, and as each is drawn he shall announce the number of the District upon it and the name of the member, who shall choose his seat from that District for the session: Provided, that before said drawing shall commence the President shall cause every seat to be vacated, and shall see that every seat continues vacant until it is selected under this resolution.

Mr. Skinner of Franklin, moved that the resolution be laid upon the table.

On the question of laying on the table, Mr. Keffer of Montgomery, demanded the yeas and nays, which being ordered and taken, resulted as follows:

Yeas 30; nays 48. And the motion was therefore lost.

Mr. T. J. Russell of Tallapoosa, offered an amendment, to-wit: "That the drawing shall not take place until each District in whole or in part shall be represented in this Hall.

On motion of Mr. Peters of Lawrence, the amendment was laid upon the table.

The resolution of Mr. Morgan was then adopted.

On motion of Mr. Semple of Montgomery, Brevet Major General Wager Swayne, commanding District of Alabama, was invited to a seat by the side of the President of the Convention.

Mr. Keffer of Montgomery, offered the following preamble and resolution:

WHEREAS, This Convention has adopted for its government the rules of the House of Representatives of Alabama, which provide for the appointment by the President of the standing committees, therefore

Resolved, That the President appoint standing committees of seven members on the Legislative Department, Executive Department, Judicial Department, Representation, Elections and Franchise, Corporations, County and Municipal Organizations, Public Debt, Education and School Fund, Militia, Finance and Taxation, Public Institutions, Preamble and Bill of Rights, Amendment.

Mr. Bingham of Limestone, moved that the resolutions be laid upon the table;

Which was rejected.

Mr. Keffer then moved the previous question, which was ordered and put, and the preamble and resolutions were adopted.

Mr. Bingham of Limestone, offered the following resolution:

Resolved, That the Sergeant-at-arms and Door-keeper be directed to procure a United States flag to float over the Capitol during the sessions of this Convention;

Which was adopted.

Mr. Applegate of Madison, moved that the Sergeant-at arms be directed to procure two flags with which to drape the President's stand during the sessions of the Convention.

The resolution was adopted.

Mr. Rapier of Lauderdale, offered the following:

Resolved, That this Convention memorialize Congress, at its next session, to remove all the political disabilities of those citizens of Alabama who have aided in the reconstruction of the State on the plan proposed by Congress;

Which was adopted.

Mr. Bingham of Limestone, asked leave to introduce an ordinance:

"An Ordinance to restore to Widows and Orphans their rights in the Property of which they were wrongfully divested by the late Rebellion."

On motion of Mr. Speed, of Perry, the ordinance was referred to the Committee on the Judiciary, to be appointed.

Mr. Bingham of Limestone, on leave, introduced "An ordinance to maintain the faith and credit of the State of Alabama inviolate, and for other purposes."

Mr. Burton of Marengo, moved that the further consideration of the ordinance be postponed indefinitely;

Pending which, on motion of Mr. Skinner of Franklin,

The Convention adjourned to 10 A. M., 7th inst.

THIRD DAY.

MONTGOMERY, ALA., Nov. 7, 1867—10 A. M.

The Convention met pursuant to adjournment, the President, E. W. Peck, in the chair.

Prayer was offered by the Rev. Mr. Greathouse of Tallapoosa.

The minutes of the preceding meeting were read and approved.

The President announced the Standing Committees, provided for by the resolution of Mr. Keffer, as follows:

Committee on the Legislative Department.—Messrs. B. F. Saffold, Alfred Collins, J. J. Martin, S. F. Morton, James W. Stuart, Augustus W. Jones and John Carraway.

Committee on Judicial Department.—Messrs. H. C. Semple, D. H. Bingham, J. C. Meadors, Thos. Haughey, Thos. M. Peters, D. E. Coon and W. M. Buckley.

Committee on Executive Department.—Messrs. C. A. Miller, A. J. Applegate, Jas. M. Jackson, Ovid Gregory, Charles W. Dustan, W. T. Blackford and W. H. Black.

Committee on Representation.—Messrs. A. L. Morgan, Pierce Burton, Charles Hayes, James K. Green, Arthur Bingham, N. D. Stanwood and James P. Stow.

Committee on Elections.—Messrs. John C. Keffer, Henry McGown, David Lore, J. Hatcher, William Skinner, James Falmer and S. S. Gardner.

Committee on Elective Franchise.—Messrs. Albert Griffin, Joseph H. Speed, B. W. Norris, Thomas Lee, Jas. H. Davis, John C. Keffer and Benjamin Wheelan.

Committee on Corporations.—Messrs. Littleberry Strange, Stephen Moore, W. T. Ewing, James T. Rapier, Talliaferro Towles, J. F. Hurst and George Ely.

Committee on County and Municipal Organizations.—Messrs.

C. M. Cabot, Early Greathouse, George P. Plowman, B. Alexander, J. W. Wilhite, W. C. Garrison and Jas. H. Howard.

Committee on Public Debt.—Messrs. W. A. Austin, Simeon Brunson, C. L. Steed, Lafayette Robinson, J. H. Burdick, R. M. Johnson and W. A. Walker.

Committee on Education and School Fund.—Messrs. Gustavus Horton, John Silsby, B. Yordy, Peyton Finley, C. W. Buckley, B. W. Norris and Littleberry Strange.

Committee on Militia.—Messrs. D. E. Coon, M. D. Brainard, R. O. Masterson, C. W. Dustan, C. P. Simmons, Jas. R. Walker and George J. Dykes.

Committee on Finance and Taxation.—Messrs. R. M. Reynolds, S. F. Kennemere, Luther R. Smith, A. Strother, T. M. Peters, Wm. A. Austin and Jesse W. Mahan.

Committee on Public Institutions.—Messrs. C. W. Buckley, T. J. Russell, Benjamin Rolfe, Columbus Jones, John L. Alexander, Thomas Adams and Benjamin Inge.

Committee on Preamble and Bill of Rights.—Messrs. Alfred E. Buck, Joseph H. Speed, C. O. Whitney, J. Wright McLeod, R. Deal, H. C. Russell and J. C. Jolly.

Committee on Amendments to the Constitution.—Messrs. J. J. Martin, Wm. R. Jones, L. S. Latham, Samuel Landon, J. H. Autry, Thomas Diggs and J. J. Gilder.

Mr. Dustan of Marengo, offered the following resolution:

Resolved, That a committee consisting of five members be appointed by the chair, to wait upon Maj. Gen. John Pope, commanding the Third Military District of Georgia, Alabama and Florida, and invite him to visit the Convention at such time as he may determine;

Which was adopted.

Mr. Greathouse, of Tallapoosa, offered the following resolution:

Resolved, That the President appoint a committee of seven members, to be known and designated as the Committee of Ways and Means, to which shall be referred all ordinances and resolutions in regard to pay and mileage of delegates, and expenses of the Convention;

Which was adopted.

Mr. Norris, of Elmore, offered the following resolution:

Resolved, That all orders, resolutions, and ordinances, relating to the subjects for the consideration of which committees have been appointed, be referred to the appropriate committees without debate;

Which was adopted.

The consideration of the unfinished business pending at adjournment of yesterday, to wit: the printing of the ordinances introduced by Mr. Bingham of Limestone, was then resumed.

Mr. Burton withdrew his motion.

Mr. Griffin of Mobile, renewed the motion to indefinitely postpone the proceeding;

Which was agreed to.

The question recurring on the reference of the ordinances to the Committee on the Judicial Department, they were so referred.

Mr. Speed of Perry, from the Committee on Printing, submitted the following report:

The Committee on Printing and Reporting respectfully report progress as follows: They have arranged for the printing of fifteen hundred copies of a daily report of the proceedings of the Convention, of which fifteen copies will be laid on the desk of each member every morning, embracing a full report of the proceedings up to the noon-day adjournment of the previous day. This report is intended to embrace full copies of all motions, resolutions, ordinances and propositions offered by the members, and do away with the necessity for other printing. The cost of this report will be ten dollars per column.

The Committee have arranged for the reporting of the proceedings, at a cost of ten dollars per day.

The Committee would further report, that the members may procure extra copies of any day's proceedings at a moderate expense, by giving timely notice of the number required to the Secretary of the Convention;

Which was accepted.

The President announced as the Committee to invite Gen. Pope to the Convention:

Messrs. Dustan, Coon, Buck, Smith and Reynolds.

Mr. Graves of Perry, offered the following:

Resolved, That this Convention take the present Constitution of Alabama as a basis for the formation of a new one, with such changes and modifications as may be necessary to comply with the requisitions of the Military Bill, and to insure the full enjoyment of equal political and civil rights to all male citizens without distinction of color;

Which was referred to the Committee on the Judiciary.

Mr. Greathouse of Tallapoosa, introduced an ordinance in relation to the pay and mileage of delegates, and the pay of officers of the Convention, and for other purposes;

Which was read the first and second time, and referred to the Committee on Ways and Means.

Mr. Coon of Dallas, offered the following resolution:

Resolved, That the Secretary of the Convention be authorized to employ an enrolling and engrossing clerk;

Which was adopted.

Mr. Burton of Marengo, offered the following resolution:

Resolved, That a committee of three be appointed by the chair, to prepare an address to Congress, urging the removal of the tax on cotton;

Which was adopted.

Mr. Keffer of Montgomery, introduced a section of the Constitution, and asked its reference to the Committee on the Judiciary;

Which was so referred.

Mr. Griffin of Mobile, offered the following resolution:

Resolved, That a Committee on Removal of Disabilities, to consist of thirteen members, be appointed by the chair, to whom the members of the Convention shall present the names of such disfranchised persons as have aided and are aiding in reconstructing the civil government of this State, in accordance with the laws of Congress, which names shall be reported to this Convention before its close.

Resolved, further, That said committee be instructed to prepare a memorial to Congress upon the subject of the removal of disabilities;

Which was adopted.

Mr. Strange, of Macon, offered the following resolution:

Resolved, That the President appoint a standing committee of nine members, to be known as the Committee on Ordinances and State Government, whose duty it shall be to report by ordinance or otherwise, the effect of the ordinance of secession and other ordinances, with the Constitution adopted by the Convention of January, 1861, with all the enactments of the Legislature until September, 1867; and also to report by what authority the Hon. Lewis E. Parsons presided over Alabama as Provisional Governor, and the effect of the Constitution adopted by the Convention of September, 1867, and the subsequent legislation, and also to report the present political status of Alabama.

Mr. Robinson of Madison, offered the following resolution:

Resolved, That this Convention invite His Excellency Governor Patton to take a seat upon the stand beside the presiding officer, from day to day, as long as the Convention sits;

Which was adopted.

Mr. Saffold of Dallas, offered the following resolution:

Resolved, That a standing committee of thirteen be appointed, to be called the Committee on the Constitution;

Which was adopted.

Mr. Wilhite of Winston, offered the following resolution:

Resolved, That a committee of three members be appointed by the chair, to invite General Swayne to take a seat by the President at such times as will not conflict witn his official duties;

Which was adopted.

The President announced the committee as follows:

Messrs. Wilhite of Winston, Springfield of St. Clair, and Gardner of Butler.

Mr. Peters of Lawrence, moved that a committee of five be appointed to wait on Governor Patton and inform him of the adoption of the resolution inviting him to a seat in the Convention;

Which was agreed to.

Messrs. Peters, Robinson, Brainard, Hurst and Yordy were appointed the committee.

The committee appointed for the purpose then introduced to the Convention, Maj. Gen. John Pope, and conducted him to a seat beside the President. Gen. Pope briefly returned thanks to the Convention for the honor conferred upon him.

Mr. Bingham of Limestone, moved that the Convention take a recess of twenty minutes, in order to allow the members to pay their respects to Gen. Pope;

Which was agreed to.

At the expiration of the recess, on motion of Mr. Griffin of Mobile, the Convention adjourned until 10 a. m., to-morrow, the 8th instant.

FOURTH DAY.

FRIDAY, NOV. 8, 1867—10 A. M.

The Convention re-assembled pursuant ta adjournment; in the absence of the President, Mr. Semple of Montgomery was called to the chair.

Prayer was offered by Rev. Mr. Buckley, of Montgomery.

The journal of yesterday's session was read and approved.

Mr. Bingham of Limestone, on leave granted, offered the following resolution:

Resolved, That a committee of five be appointed to wait upon Maj. Gen. Pope, and confer with him in regard to organizing a provisional government for this State, and vacating all offices of the pretended government within the next twenty days.

Mr. Reynolds of Wilcox, moved that the resolution be laid upon the table;

On which Mr. Bingham demanded the yeas and nays, which being ordered and taken, resulted as follows:

YEAS—Messrs. Alexander, Austin, Black, Blackford, Bnck, Burton, Cabot, Coon, Davis, Deal, Dustan, Ely, Ewing, Finley, Falmer, Graves, Greathouse, Green, Hatcher, Hurst, Horton, Howard, Jackson, Johnson, R. M., Johnson, W., Jolly, Lee, Mahan, McLeod, Miller, Morgan, Morton, Norris, Peters, Reynolds, Russell, J. T., Saffold, Semple, Smith, Speed, Stanwood, Stewart, Towles, Walker, W. A. Yordy—45.

NAYS—Messrs. Adams, Alexander, B., Applegate, Autrey, Bingham, A., Bingham, D. H., Blandon, Brunson, Buckley, C. W., Carraway, Collins, Diggs, Dykes, Gardner, Garrison, Gregory, Griffin, Haughey, Hays, Inge, Jones, A. W., Jones, C., Keffer, Kennemere, Lore, McGown, Masterson, Moore, Rapier, Robinson, Royal, Silsby, Springfield, Steed, Stow, Strange, Strother, Walker, J. R., Whitney, Wilhite—42.

And the resolution was therefore tabled.

Mr. Norris of Elmore, offered the following:

Resolved, That the committee appointed to prepare an address to Congress urging the removal of the tax on cotton, be increased so as to consist of ten additional members, to be appointed by the chair.

Mr. Blackford of Hale, moved to amend, so as to provide for three members from each Congressional district.

Mr. Martin moved the previous question.

Mr. Norris said that should the resolution pass, he did not wish to serve on the committee.

The call for the previous question was sustained.

The question upon the amendment of Mr. Blackford was then taken, and the amendment was lost.

The question was then taken upon the original resolution as offered by Mr. Norris, and it was carried—yeas 37, nays 27.

Mr. Burton of Marengo, desired to be excused from service on the committee to memorialize Congress in favor of the abolition of the tax on cotton.

Leave was granted.

Mr. Jones of Conecuh, introduced the ordinance giving laborers a lien upon crops.

The ordinance was read a first and second time, and referred to the committee on the Judiciary.

Mr. Gregory of Mobile, offered the following resolution:

Resolved, That the committee on Preamble and Bill of Rights be requested to incorporate in their report a special ordinance abolishing and removing all laws, regulations and customs heretofore or at present in existence, wherein distinctions are made on account of caste, color, or former condition of servitude, with such penalties as said committee may deem best and proper; which was referred to the committee on the Judiciary.

Mr. Speed of Perry, moved that the secretary have printed and laid on the desk of each member of the Convention, two copies of the bill passed by Congress on the 2d of March, 1867, known as the Military Reconstruction Bill, and the two bills supplemental thereto.

Mr. Griffin of Mobile, moved to amend, by including the Constitutional Amendment, known as the 14th article;

Which was agreed to.

Mr. Moore of Baldwin, moved to include the Civil Rights Bill;

Which was agreed to.

The resolution as amended, was then adopted.

Mr. Towles of Chambers, presented a petition from S. W. Burton of Tallapoosa county; which was referred to the committee on the Judicial department.

Mr. Carraway of Mobile, offered the following:

Resolved, That the committee on Public Institutions be instructed to report a special ordinance providing for the care and protection of the colored orphans of the State, and also an ordinance protecting colored Trustees in possession of church property, purchased in whole or in part by them during the existence of slavery.

Mr. Griffin of Mobile, moved that the first clause of the resolution be referred to the committee on Public Institutions, and the last clause to the committee on the Judiciary; and the clauses were thus referred.

Mr. Hurst of Coosa, offered the following:

Resolved, That the Secretary be, and he is hereby authorized to furnish and place upon the desk of each member of the Convention a copy of the late Revised Code of Alabama.

Mr. Griffin of Mobile, moved that the resolution be laid upon the table;

Which was agreed to.

Mr. Wilhite of Winston, moved to reconsider the vote by which the Convention on yesterday adopted the resolution of Mr. Griffin of Mobile, in regard to the removal of political disabilities of certain parties.

Mr. Rapier of Lauderdale, moved that the motion be laid upon the table;

Which was agreed to.

Mr. Garrison of Blount, offered the following:

Resolved, That the committee on Finance and Taxation be requested to report that no citizen of the State of Alabama shall hereafter pay poll tax, and that the revenue of the State shall be raised on the property of the State according to values.

The resolution was referred to the committee on Finance and Taxation.

The Convention then proceeded to the consideration of the report made on yesterday by the committee on Printing.

Mr. Griffin of Mobile, moved that it be referred back to the committee;

Which was agreed to.

Mr. Speed of Perry, (was then at his own request,) released from further service on the committee.

On motion of Mr. Skinner of Franklin, Mr. Peters of Lawrence, was added to the committee in place of Mr. Speed.

Mr. Graves of Perry, introduced the following ordinance:

Be it ordained by the people of Alabama in Convention Assembled, That such real property as may be selected by the head of the family, to include the homestead if desired by the owner, be and it is hereby exempt from levy and sale by debt, except for taxes on the same; *Provided*, That such homestead shall not exceed eighty acres, and in value not to exceed fifteen hundred dollars.

The ordinance was read the first and second time and referred to the committee on the Judiciary.

Mr. Haughey, of Morgan, offered the following:

WHEREAS, Since the 10th day of January, 1861, no legal government has existed in Alabama, and

WHEREAS, Such illegal and pretended government as now exists therein is administered by men who have been elevated to power and authority on account of services rendered in behalf of treason and rebellion, and

WHEREAS, Said pretended government does not adequately protect loyal men in their right of life, liberty, and property: Therefore,

Be it resolved, That this Convention should proceed to organize a Provisional Government for the State, and to this end all important offices in the State should be declared vacant within thirty days after the first of December, 1867.

Resolved, That a Provisional Governor should be appointed by this Convention, whose first duty should be to fill by appointment all offices thus vacated with competent men who can take and subscribe the oath prescribed by act of Congress, approved July 2, 1862.

Resolved, That during the existence of said Provisional Government, and after the various offices are filled as required by the preceding resolution, all vacancies occurring in said offices shall be filled by election.

Provided, however, That no person shall be eligible to fill any office whatever under such Provisional Government who cannot take the test oath.

Mr. Greathouse of Tallapoosa, moved that the preamble and resolutions be laid upon the table ;

On which motion, Mr. Haughey demanded the yeas and nays, which being ordered and taken, resulted as follows:

YEAS—Messrs. Alexander, J. L., Austin, Black, Burton, Cabot, Dustan, Falmer, Greathouse, Hayes, Horton, Howard, Jackson, McLeod, Martin, Masterson, Miller, Norris, Rolfe, Russell, T. J., Saffold, Semple, Smith, Stewart, Towles, Walker, W. A., Yordy—26.

NAYS—Adams, Alexander, B., Applegate, Autrey, Bingham, D. H., Blackford, Blandon, Brainard, Brunson, Buck, Buckley, W. M., Carraway, Collins, Coon, Davis, Deal, Diggs, Dykes, Ely, Ewing, Gardner, Garrison, Green, Gregory, Griffin, Hatcher, Haughey, Hurst, Inge, Johnson, R. M., Johnson, W., Jolly, Jones, A. W., Jones, C., Kennemere, Lee, Lore, McGown, Mahan, Moore, Morgan, Rapier, Robinson, Royal, Russell, H. C., Silsby, Simmons, Springfield, Steed, Stow, Strange, Strother, Walker, J. R., Wilhite—57.

The resolution was then referred to the committee on Ordinances.

Mr. Gardner of Butler, offered the following resolution:

WHEREAS, It is known that many persons who have been engaged as principles or accessories in the murder of Union men, who, if prosecuted in the courts, would have been convicted of felony, and thereby disfranchised, are now through the default of solicitors and grand juries, in the possession of all civil rights ;

Resolved, That the committee on Elective Franchise be instructed to inquire into the expediency of disfranchising such persons by the authority of a special commission or otherwise ;

Which was referred to the committee on Franchise.

Mr. Norris of Elmore, asked leave to be excused from further service as a member of the committee on School Fund.

Leave was granted, and Mr. Gardner of Butler, was appointed to fill the vacancy.

Mr. Carraway of Mobile, offered the following resolution:

Resolved, That the Sergeant-at-arms be instructed to appropriate a portion of the gallery and lobby for the use of ladies.

Mr. Graves of Perry, offered the following resolution;

Which was adopted:

Resolved, That the committee on Finance and Taxation be instructed to draft and report an ordinance for the more efficient support of the paupers of this State;

Referred to the committee on Finance and Taxation.

Mr. Cabott of Elmore introduced an Ordinance in relation to slavery and abolition thereof;

Which was read first and second time, and referred to the committee on Ordinances;

Mr. Bingham of Limestone, moved a reconsideration of the vote referring the ordinance to the committee on Ordinances, for the purpose of amendment.

The motion to reconsider was agreed to.

Mr. Bingham then moved to amend, by striking out the words "army of the United States";

The amendment was adopted.

The ordinance was then referred to the Ordinance Committee.

Mr. Austin of Jackson, submitted certain documents pertinent to the case of the contested election case of Mr. H. H. Russell *vs.* P. C. Simmons, from the 44th election district.

Mr. Skinner of Franklin, moved their reference to a special committee of five;

The motion was adopted.

The presiding officer appointed the committee as follows:

Mr. Austin of Jackson, Mr. Saffold of Dallas, Mr. Strange of Macon, Mr. Speed of Perry, and Mr. Towles of Chambers.

Mr. Dustan of Marengo, offered the following resolution:

Resolved, That all ordinances in relation to changes of county lines and formation of new counties be referred to the committee on Representation;

Which was adopted.

Mr. Ewing of Baine, offered the following resolution:

Resolved, That this Convention authorize a clause in the

Constitution of the State making registration in this State a permanent law.

Referred to the committee on Resolutions.

Mr. Garrison of Blount, offered the following:

Resolved, That the committee on the Judicial Department be requested to report that no officer of the State of Alabama shall hold office longer than the term of four years.

Mr. Graves introduced an ordinance in relation to New Counties and the Boundaries thereof:

Be it Ordained by the People of Alabama in Convention Assembled, That the Legislature be and is hereby empowered to make new counties and determine the boundaries thereof when deemed necessary; *Provided*, That no county shall consist of less than four hundred square miles.

An amendment was offered to strike out four hundred and insert six hundred.

Mr. Bingham of Limestone, moved to amend by striking out six hundred and inserting nine hundred, and that no new county shall be formed where the population is less than twenty thousand.

The ordinance and amendments were refered to the committee on Ordinances.

On motion of Mr. Horton of Mobile,

The Convention adjourned until 10 A. M. to-morrow, 9th instant.

FIFTH DAY.

SATURDAY, Nov. 9, 1867—10 A. M.

The Convention met pursuant to adjournment.

Mr. President in the chair.

Prayer was offered by the Rev. Mr. McLeod of Marengo.

The roll of members was called, and a quorum being announced as present, the Convention proceeded to business.

The journal of yesterday's session was read and approved.

The President announced as the committee to memorialize Congress to remove the tax on cotton, Messrs. Burton, Dustan, Smith, Buck, Jones, Stanwood, Ely, Arthur, Bingham of Talladega, Towles, Applegate, Autrey, Bingham of Limestone, Masterson.

Mr. Dustan of Marengo, presented a petition of sundry citizens of Marengo and Hale, asking the formation of a new county out of portions of said counties of Marengo and Hale, and in connection therewith, introduced "An Ordinance creating the new county of Arcola."

On motion of Mr. Burton of Marengo, the petition and ordinance were referred to the committee on Representation.

Mr. Speed of Perry, introduced "An Ordinance to enable Guardians to Educate their Wards";

And moved that it be referred to the committee on the Judiciary;

Which was agreed to.

Mr. Wilhite of Winston, introduced "An Ordinance to abolish the new county of Jones"; and presented a petition from sundry citizens of Fayette, Jones and Marion, praying the passage of the ordinance;

The ordinance and petition were referred to the committee on Counties and Municipal Organizations.

Mr. Peters of Lawrence, introduced "An Ordinance to legalize the marriage of James B. Boshell and Sarah Boshell, formerly Sarah Sparks, of the county of Walker, in this State.

The ordinance was referred to the committee on the Judiciary.

Mr. Austin, from the special committee on the case of the contested seat of Mr. C. P. Simmons, delegate from the 44th district, submitted a report as follows:

That they have examined the documentary evidence brought before them, and find that the Registrars of said district certify to the election of said C. P. Simmons; that Hon. W. H. Smith, Superintendent of Registration, also certified to the election of said C. P. Simmons; that in General Orders, No. 74, published October, 1867, from the headquarters of the Third Military District, by Major General John Pope, the name of H. H. Russell is given as a delegate from the 44th Election District, but that W. H. Smith furnished C. P. Simmons a correct copy of said General Orders, No. 76, in which the name of H. H. Russell is stricken out and the name of said C. P. Simmons substituted in his stead.

Under the military laws, the committee believes it has no power to act in the premises, and respectfully beg to refer the results of this investigation to Major General John Pope, Commander of the Third Military District, and ask to be discharged.

The report was accepted, and the committee discharged.

Mr. Masterson of Lawrence, introduced "An Ordinance in Relation to Counties";

The ordinance was read a first and second time, and on motion of Mr. Peters of Lawrence, was referred to the committee on County Boundaries.

The resolution of Mr. Graves of Perry, pending at yesterday's adjournment, with the amendment of Mr. Bingham of Limestone, was then taken up.

Mr. Morgan of Wilcox, offered the following as an amendment to the amendment of Mr. Bingham.

That no county shall consist of less than six hundred square miles.

Mr. Burton of Marengo, moved the previous question.

On motion of Mr. Miller of Lowndes, the ordinance and amendments were referred to the committee on Boundaries.

Mr. Dustan, of Marengo, offered the following:

Resolved, That the several committees to which subjects relating to the formation of the Constitution shall be referred, are hereby instructed—

"That it is the sense of this Convention that the new Constitution shall be in no degree proscriptive, but that the Convention intends, with charity toward all, malice toward none, to so conduct its deliberations that its action may inure to the general welfare of the State of Alabama, and of the United States."

Mr. Dustan of Marengo, called for the yeas and nays, on the passage of the resolution.

Mr. Bingham moved to lay the resolution on the table, and called for the yeas and nays on the motion.

The motion to lay on the table was withdrawn, and

Mr. Griffin of Mobile, moved to strike out the words—

"That it is the sense of this Convention that the new Constitution shall be in no degree proscriptive, but

The amendment was adopted.

Mr. Bingham renewed his motion to lay the resolution on the table, and called for the yeas and nays.

The yeas and nays were ordered, and on being taken, resulted, yeas 30, nays 51, as follows:

YEAS—Messrs. Alexander, B., Applegate, Bingham, D. H., Blandon, Brainard, Buckley, C. W., Coon, Diggs, Dykes, Ely, Finley, Gardner, Garrison, Gregory, Haughey, Horton, Johnson, W., Jones, C., Lore, McGown, Mahan, Morgan, Russell, H. C., Skinner, Springfield, Strange, Walker, J. R., Walker, W. A., Wilhite—30.

NAYS—Messrs. Alexander, J. L., Austin, Autrey, Bingham, A., Black, Blackford, Brunson, Cabott, Collins, Davis, Dustan, Ewing, Falmer, Graves, Greathouse, Green, Griffin, Hatcher, Hays, Hurst, Howard, Inge, Jackson, Johnson, R. M., Jolly, Jones, A. W., Keffer, Kennemere, Lee, McLeod, Martin, Masterson, Miller, Moore, Morton, Norris, Peters, Rapier, Rolfe, Royal, Russell, T. J., Saffold, Semple, Silsby, Smith, Speed, Steed, Stewart, Stow, Towles, Yordy—51.

So the motion was not agreed to.

Mr. Morgan of Wilcox, said that in regard to his vote, he did not wish to be considered as opposing the measure, but he thought it better to wait until the committee had made some report.

Mr. Semple of Montgomery, moved to amend by inserting after the words, "new Constitution," "shall leave the question of proscription where it was left by the Military Bill."

Mr. Griffin moved an indefinite postponement of the whole subject;

On which Mr. Bingham of Limestone, demanded the yeas and nays, and being taken, resulted as follows:

Yeas—Messrs. Alexander, B., Applegate, Austin, Autrey, Bingham, A., Bingham, D. H., Black, Blandon, Brainard, Buckley, Carraway, Collins, Coon, Davis, Deal, Diggs, Dykes, Ely, Ewing, Finley, Gardner, Garrison, Green, Gregory, Griffin, Fletcher, Haughey, Hurst, Horton, Inge, Jackson, Johnson, R. M., Johnson, W., Jolly, Jones, A. W., Jones, C., Keffer, Kennemere, Lee, Lore, McGown, Mahan, Martin, Masterson, Moore, Morgan, Morton, Peters, Rapier, Robinson, Royal, Russell, H. C., Saffold, Silsby, Skinner, Springfield, Steed, Strange, Strother, Walker, J. R., Walker, W. A., Wilhite, Yordy—63.

Nays—Messrs. Alexander, J. L., Blackford, Brunson, Burton, Cabot, Dustan, Falmer, Graves, Greathouse, Hays, Howard, McLeod, Miller, Norris, Rolfe, Russell, T. J., Semple, Smith, Speed, Stewart—22.

So the motion to postpone indefinitely was agreed to.

Mr. Skinner of Franklin, offered the following:

Resolved, That the President of this Convention appoint a special committee of eighteen persons, whose duty it shall be to prepare a Constitution of the State of Alabama, to report the same to this Convention by the 16th of the present inst., and that in selecting said committee there shall be an equal number selected from each Congressional District.

Mr. Burton of Marengo, moved to lay the resolution on the table;

The motion was agreed to.

Mr. Carraway of Mobile, offered the following:

Whereas, Serious difficulties are encountered by settlers upon the government lands in the State of Alabama, in consequence of incorrect surveys and abuses in the land office, and

WHEREAS, Many settlers have been located upon the same plat, and have been charged the enormous sum of thirty dollars to be thus located, exclusive of the five dollars required by the Government. Therefore,

Resolved, That the committee on memorializing Congress to remove the tax on cotton, be instructed to draw up a petition to Congress to have the government lands in this State surveyed for the reasons herein set forth.

The resolution was adopted.

Mr. Buckley of Montgomery, offered the following:

WHEREAS, It is the primary duty of every State to provide adequate and ample means of instruction for every child within its borders, and that the obligation is imperative and indispensable to its future safety and well being, and

WHEREAS, The omission fully to discharge this duty endangers the lives, property and peace of its future citizens, and incurs a burdensome expenditure for the maintenance of paupers and punishment of criminals.

Resolved, That the committee on Schools be instructed to frame into the organic law of the State, an ordinance setting aside so much of the annual revenue from taxation as shall be requisite to support a system of Common Schools four months in the year, and free to all children between the ages of six and twenty-one years, the fund thus raised to be kept sacredly for the purpose herein mentioned, and for none other whatever.

The preamble and resolutions were on motion of Mr. Buckley, referred to the committee on Schools and School Funds.

Mr. Silsby of Dallas, offered the following resolution:

Resolved, That the resolution adopted by this Convention to refer all orders, resolutions and ordinances to the appropriate committees be construed to apply to all amendments to, substitutes for all amendments to, substitutes for and alterations of the same;

Which was adopted.

Mr. Graves of Perry, offered the following:

Resolved, That the committee on Schools and Education be instructed to report an ordinance making it the duty of the Legislature to provide a system of free schools, which shall place in the reach of all the children of this State, the means of acquiring a good English Education;

Which was adopted.

Mr. McLeod of Marengo, offered the following resolution:

Resolved, That the committee on Public Institutions, be, and the same are hereby instructed to embody in that portion of the Constitution submitted to them a provision for a County Poor House in each county within the State, with not less than eighty acres of land attached;

Which was adopted.

Mr. Morgan of Wilcox, moved to adjourn.

The motion was agreed to;

And the Convention adjourned until 10 o'clock A. M., on Monday, the 11th inst.

SIXTH DAY.

MONTGOMERY, Monday, Nov. 11, 1867.

The Convention reassembled pursuant to adjournment, the President, E. W. Peck, in the chair.

Prayer was offered by Rev. Mr. Greathouse of Tallapoosa.

The roll of members was called, and a quorum being announced as present, the Convention proceeded to business.

The journal of the session of the preceding day was read and approved.

Mr. Carraway of Mobile, offered an amendment to the Constitution.

Mr. Morgan of Wilcox, moved to lay the matter on the table.

The motion was not adopted.

The amendment was then referred to the Committee on the Judiciary.

Mr. Jones of Conecuh, introduced an ordinance relative to the apprenticing of minors;

Which was referred to the Committee on Ordinances.

Mr. Gardner of Butler, introduced an ordinance to redeem the plighted faith of the State in regard to Education;

Which was referred to the Committee on Education and School Fund.

Also, an ordinance to provide a general mode of determining the eligibility and permanence of county seats of justice;

Which was referred to the Committee on Ordinances.

Mr. Semple of Montgomery, presented a petition from Hon. B. F. Porter, concerning the formation of the Constitution, and moved its reference to the Committee on the Judicial Department;

Which was agreed to.

Mr. Semple rose to a question of privilege, in order to correct an erroneous report in the public prints, relative to a debate participated in by himself and Mr. Griffin of Mobile, in which report it had been asserted that Mr. Griffin had violated the confidence of private conversation. Mr. Semple desired to say that such was not the case.

Mr. Blackford of Hale, introduced an ordinance declaring the Ordinance of Secession to be treason, and null and void;

Which was referred to the Committee on Preamble and Bill of Rights.

Mr. Hays of Greene, introduced an ordinance relating to the appointment of Supreme Court Judges;

Which was referred to the Committee on the Judiciary.

Mr. Keffer of Montgomery, introduced an ordinance to ratify certain acts, judgments, and other proceedings, therein mentioned;

Which was referred to the Committee on Ordinances.

Mr. Greathouse of Tallapoosa, introduced an ordinance to declare void judgments where the consideration was purchase money for slaves;

Which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Hurst of Coosa, introduced an ordinance in relation to Slavery, and the abolition thereof;

Mr. Bingham of Limestone, moved an amendment, which was adopted.

The ordinance, as amended, was referred to the Committee on Ordinances.

Mr. Autrey of Calhoun, introduced an ordinance to change the name of the county of Calhoun to Benton;

Which was read the first and second time, and referred to the Committee on Ordinances.

Mr. Austin of Jackson, introduced an ordinance in regard to new counties;

Which was read the first and second time, and referred to the Committee on Amendments to the Constitution.

Mr. Stewart of Lauderdale, introduced an ordinance relating to the cohabitation of slaves.

On motion of Mr. Carraway of Mobile, the further consideration of which, was postponed until to-morrow, the 12th instant.

Mr. Steed of Cleburne, introduced an ordinance relating to the county lines of Cleburne county;

Which was referred to the Committee on Boundaries.

Mr. Reynolds, from the joint committee composed from the

Committees on Finance and Taxation, and of the Public Debt, presented a resolution as follows:

REPORT OF COMMITTEE ON FINANCE AND TAXATION.

The Committee on Finance and Taxation have instructed me to make the following report:

The Committee on Finance and Taxation who met with the Committee on the Public Debt, beg leave to say, that they partially considered the important matter referred to them, and they unanimously instructed the following resolution to be reported to the Convention, and recommend its unanimous adoption:

Resolved, That it is the determination of this Convention to recognize all legitimate indebtedness of the State of Alabama, and we hold that said indebtedness should ever be held sacred.

In this list of obligations we enumerate—

1st. The entire bonded debt due January 10th, 1861.

2d. The bonded debt created since 1865, in funding coupons due and unpaid.

3d. Bonds issued in extending matured debts of 1866.

4th. Bonded or other indebtedness created during the last two years, together with "tax-receipts" or "certificates" by authority of law for paying legitimate expenses of the Provisional Government.

Provided, however, That no indebtedness (bonded or otherwise,) created by the State of Alabama, during the late rebellion, or indebtedness created during the last two years, for the benefit directly or remotely, of any interest in the rebel State, or Confederate government, shall in any manner be recognized by this committee.

R. M. REYNOLDS, Chairman.

Mr. Peters, of Lawrence, moved that the report be unanimously concurred in.

Mr. Bingham of Limestone, moved that it be made the special order of the day for Tuesday, at 11 o'clock, and that it be printed.

Mr. Griffin moved an amendment, that the committee be instructed to procure, if possible, the amount of bonds issued since the close of the war, and also the objects in payment of which they were issued.

Mr. Bingham accepted the amendment, and then renewed his motion to make the subject the special order for to-morrow.

Mr. Griffin made a further amendment, that the committee be authorized to print the information, together with the resolution, if they can obtain it in time.

The amendment was adopted.

The resolution, as amended, was adopted.

The President, Mr. Peck of Tuscaloosa, (Mr. Miller in the chair,) presented a memorial from the Friends' Association of Philadelphia, for the relief of colored freedmen;

Which was referred to the Committee on Education and School Funds.

Mr. Rapier of Lauderdale, offered the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of providing that in the exemption of property from execution and sale, that the amount of exempted property be graduated in proportion to the number of persons comprising the family;

Which was adopted.

Mr. Peters of Lawrence, offered the following resolution:

Resolved, That the standing Committee on the Judiciary be increased by adding two members to the committee, and that they be lawyers selected by the President of the Convention;

Which was adopted.

Messrs. Skinner and Saffold were named as the additional members of the committee.

Mr. Gardner of Butler, offered the following resolution:

Resolved, That hereafter, debate upon any subject before the Convention, shall be limited to ten minutes to each speaker, except by a unanimous consent.

Mr. Keffer moved to amend, by striking out "unanimous consent," and inserting, "by a vote of the House."

The amendment was adopted.

The resolution was then adopted, yeas 41, nays not counted.

Mr. Norris of Elmore, asked a reconsideration of the motion by which the resolution of Mr. Buckley of Montgomery, in regard to schools, was adopted on Saturday.

The motion to reconsider was agreed to.

Mr. Norris then offered the following resolution:

Resolved, That the Committee on Schools be requested to inquire into the expediency of embodying into the organic law of the State, a provision setting aside so much of the annual revenue from taxation as shall be requisite to support a system of common schools four months in the year, and free to all children between the ages of six and twenty-one years, the fund thus raised to be kept sacredly for the purpose herein mentioned, and for no other purpose whatsoever.

Mr. Carraway moved to strike out the words "inquire into the expediency."

The amendment was not agreed to.

The resolution, as amended by Mr. Norris, was adopted.

Mr. Norris moved that the rules be suspended, in order to move a reconsideration of the vote by which a resolution was passed on Saturday in relation to county poor-houses.

Mr. Norris then moved that the resolution be amended to read as follows:

Resolved, That the Committee on Public Institutions be, and the same are hereby requested, to inquire into the expediency of embodying in that portion of the Constitution submitted to them, a provision for a County Poor House in each county within the State, with not less than eighty acres of land attached.

The resolution, as amended, was adopted.

Mr. Skinner of Franklin, introduced the following resolution:

Resolved, Thut a committee of thirteen be appointed by the President of this Convention, whose duty it shall be to prepare an oath of office to be taken by every person elected or appointed to any office in the State of Alabama, either municipal or State offices, and that in selecting the committee, the President shall take an equal number from each Congressional district, with the exception of the chairman of the committee, and that it shall be the duty of the committee so appointed to report to the Convention by the 14th of this month.

Mr. Coon of Dallas, moved to insert the word "military" in the resolution, just after the word "civil;" civil and military officers.

Mr. Skinner accepted the amendment.

The resolution, as amended, was adopted.

Mr. Saffold of Dallas, offered the following resolution:

Resolved, That the Secretary be instructed to furnish the members of the Convention with a sufficient number of printed lists of all the standing committees;

Which was adopted.

Mr. Hurst of Coosa, offered the following resolution:

Resolved, That the Judiciary Committee be instructed to consider the expediency of incorporating into the Constitution of Alabama, an article conferring the right upon the Legislature of electing the Supreme and Circuit Court Judges and Chancellors; also upon the propriety of conferring upon the people the right of electing the Secretary of State, Secretary of the Treasury, Comptroller of Public Accounts and Attorney General;

Which was adopted.

Mr. Silsby of Dallas, moved that the rules be suspended, in order that a reconsideration might be had of the vote by which the resolution of Mr. Dustan of Marengo, offered on Saturday, (relating to the character of the new Constitution,) had been indefinitely postponed, with a view to its being taken up at a day sufficiently distant to first allow the hearing of reports of the various committees on the Constitution.

The motion was not agreed to.

Mr. Peters of Lawrence, offered the following resolution:

Resolved, That the President of this Convention shall appoint a committee of thirteen, who, excepting the chairman, shall be selected from each Congressional District in the State, whose duty it shall be to inquire into the propriety of recommending to the people of the State, the removal of the seat of government from the City of Montgomery to some other place more central and accessible to the people of the State.

Mr. Norris moved to lay the resolution on the table;

Lost, yeas 32; nays 35.

Mr. Peters moved that the matter be made the special order for Wednesday, at 11 o'clock.

The motion was agreed to.

The President, Mr. Peck of Tuscaloosa, (Mr. Miller in the chair,) presented the following memorial to Congress:

MEMORIAL TO THE CONGRESS OF THE UNITED STATES.

This memorial of the delegates now assembled in Convention, in and for the State of Alabama, respectfully shows unto your honorable bodies: That by virtue of an act of the Congress of the United States, approved on the 3d day of June, 1856, "Granting public lands in alternate sections, to the State of Alabama, to aid in the construction of certain railroads in the said State:" the trust reposed by the aforesaid act being accepted by the State, and the necessary enactments made by the General Assembly, to carry out the objects of this liberal donation, so as to make the same available on the terms of the grant—several of the railroads embraced in the above recited act, were commenced and in regular process of construction, when all operations and work toward their completion were interrupted and suspended by the late rebellion of the so-called "Confederate States" against the United States, whereby these railroad companies were prevented from complying with the terms of the grant, as to the time of completion of their respective roads, which was to be within ten years from the passage of the act; now

WHEREAS, By reason of this prevention, wholly unavoidable on the part of these railroad corporations, several of which, encouraged by the very liberal grant of the General Government, had, in good faith, invested their capital, and expended much time and labor in the prosecution of these works of internal improvement, of great National as well as State importance, in enlarging the commercial relations, and developing the mineral resources of a common country, and strengthening the bonds of union between the States; this Convention most respectfully asks of Congress an extension of time, for a compliance with the terms of the original grant, of at least five years from the date of such extension, and such further relief in the premises as shall seem meet and proper:

Resolved, That the President of this Convention forward copies of this memorial to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, with a request that the same be laid before their respective bodies.

Mr. Coon moved that it be printed, and a copy furnished to each member of the Convention, and that it be made the special order of the day on Thursday at 11 o'clock.

Which was agreed to.

Mr. Griffin, from the Committee on the Elective Franchise, presented the report of the majority of the committee.

The report was read by Mr. Keffer, as follows:

MAJORITY REPORT FROM THE COMMITTEE ON FRANCHISE.

To the President and Members of the Constitutional Convention:

GENTLEMEN:—The undersigned, members of the Committee on Elective Franchise, beg leave to recommend the adoption of the following article as a part of the Constitution of this State:

ARTICLE.

SECTION 1. Every male citizen of the United States, and every male person who has legally declared his intention to become a citizen of the United States, twenty-one years old and upwards, who shall have resided in this State six months next preceding the election, and three months in the county in which he offers to vote, shall be deemed an elector.

Provided, That no soldier, sailor, or marine in the military or naval service of the United States, shall hereafter acquire a residence by reason of being stationed on duty in this State.

SEC. 2. It shall be the duty of the General Assembly to provide from time to time, for the registration of all electors, but the following classes of persons shall not be permitted to register, vote, or hold office:

1. Those who during the late rebellion, inflicted or caused to be inflicted, any cruel or unusual punishment upon any soldier, sailor, marine, employee, or citizen of the United States, or who in any other way violated the rules of civilized warfare.

2. Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, crime punishable by law with imprisonment in the penitentiary, or bribery.

3. Those who having been registered in accordance with the provisions of an act of Congress, entitled "An Act to provide for the more efficient government of the rebel States," passed March 2d, 1867, and the acts supplementary thereto, shall refuse to vote either for or against this Constitution when it shall be submitted for ratification.

Provided, That no person shall be disfranchised by this clause, whose failure to vote shall be in consequence of sickness, necessary absence from home, or any providential occurrence rendering it impossible for him to reach the polls; and

Provided further, That the General Assembly shall have authority to remove the disabilities incurred under this act.

SEC. 3. All persons before registering must take and subscribe the following oath:

"I ———, do solemnly swear, (or affirm,) that I will support and maintain the Constitution and Laws of the United States, and the Constitution and Laws of the State of Alabama; that if I have ever believed in the right of a State to secede, I hereby abandon it; that I accept the civil and political equality of all men, and agree not to attempt to deprive any person or persons on account of race, color or previous condition, of any political or civil right, privilege or immunity enjoyed by any other class of men; and furthermore, that I will not in any way injure or countenance in others, an attempt to injure any person or persons, on account of past or present support of the Government of the United States, the policy of the Congress of the United States, or the principle of the political and civil equality of all men, or of affiliation with any political party."

It must be apparent to all, after weighing the above provisions, that a majority of the committee are disposed to be as magnanimous towards the late enemies of the nation, as is consistent with a due regard to the welfare of the State, and the safety of its loyal citizens. The only question is, whether we have not been too liberal. But one class of men is positively disfranchised for deeds done in the rebellion—those who have violated the rules of civilized warfare; and it is altogether improbable that a loyal man can anywhere be found, willing to entrust with power to rule in this land, the incarnate fiends, whose atrocious conduct during the late war, shocked the moral susceptibilities of the civilized world. We will not insult the Convention by arguing this proposition.

The second clause of the second section, proposing to disfranchise those guilty of certain crimes, commends itself so fully to all who desire to have the vicious restrained and punished, that we abstain from argument upon it also.

About the propriety of adopting the third clause of the section, there is a difference of opinion, and we therefore submit a few of our reasons for recommending its adoption.

Section 5 of the Supplemental Reconstruction Bill says:

"SEC. 5. That if, according to said terms, the Constitution shall be ratified by a majority of the votes of the registered electors qualified as herein specified, cast at said election, at least [one half of all the registered voters voting upon the question of such ratification,] the President of the Convention shall transmit a copy of the same, duly certified, to the President of the United States, who shall forthwith transmit the same to Congress, if then in session, and if not in session, then immediately upon its next assembling; and if it shall moreover appear to Congress that the election was one at which all the registered and qualified electors in the State had an opportunity to vote freely and without restraint, fear, or the influence of fraud, and if the Congress shall be satisfied that such Constitution meets the approval of a majority of all the qualified electors in the State, * * * * * * the State shall be declared entitled to representation, and Senators and Representatives shall be admitted therefrom as therein provided."

Congress is not bound by this or any other law to refuse to accept our Constitution if a majority of registered voters do not vote upon the question of its adoption; it is nevertheless evident that that body desires that a majority of registered votes should be cast—and cast in favor of the Constitution. Now we respectfully ask of those who believe that Congress will stickle for an exact compliance with its wishes, how can its members know that a majority of the qualified electors approve of the Constitution, if they do not vote upon the question? It is a well known fact, that at the last election, many thousands of men, who favored reconstruction, were kept from the polls by intimidation, deceit, and false reports that the election was postponed, and the opponents of reconstruction publicly proclaim their determination to play the same game at the next election. They will then be better organized than they were in October, and expect to be more successful, and if some such provision as the one we have recommended is not adopted by this Convention, it is not impossible that they may prevent a majority of the votes from being cast. We all know what the moral effect of such a result would be. Talk as we might of intimidation, deceit, etc., the masses of the country would believe that those who failed to vote were opposed to the Constitution, and would shrink back at the idea of forcing upon a State, a Constitution which was distasteful to a majority of its citizens.

We do not demand that all shall vote for the Constitution, but simply that they shall vote either for or against it. We are willing that our opponents shall muster their full strength, but we insist that they shall not be allowed to add our sick and diseased to their muster roll. The great majority of them would undoubtedly vote, were it not that refusing to do so is supposed to have the same effect as voting no, and the additional effect of intimidating Union men whose absence from the polls also amounts to a negative vote.

No disinterested man will say that we are either harsh or tyrannical, when we propose that the voting power of our enemies, as well as ourselves, shall be limited to one vote apiece, and that neither party shall be allowed to claim the absentees of the other. Thousands of loyal men are so situated, that to incur the especial ill will of their employer, or wealthy neighbors, will be to involve themselves in ruin. These employers and wealthy neighbors are daily proclaiming their determination to ruin all who vote for the Constitution, and that they intend to absent themselves from the polls solely in order that they may know certainly who votes for it.

By the plan proposed, we can easily defeat the schemes of the bad men alluded to, and protect our friends while trenching on the rights of no man. Shall we not, then, be recreant to the trust reposed in us, if we do not adopt this measure, unless some other can be proposed which will be more effective? Adopt it, and a full vote will be cast. Congress, the country and we, ourselves, will know the relative strength of the loyal and disloyal elements in Alabama, and all can arrange their plans accordingly. Refuse to adopt it, and the disloyalists will refuse to vote, and will prevent thousands of loyal men from voting, all of whom will be counted as Conservatives, and opposed to the adoption of the Constitution, while those who vote for its adoption will subject themselves to renewed and increased persecution.

As to the right of this Convention to adopt such a measure, it is only necessary to say, that if the loyal men of the nation had the right to compel men to register, if they wished to vote, and to take an oath before they could register, the loyal men of this State certainly have the right to say that men must vote, if they desire to be re-registered.

The third section prescribes an oath which all electors must hereafter take before registering. It applies to original Union men equally with ex-rebels, and no true Union man, or ex-rebel who has accepted the situation in good faith, will object to taking it. The first part is general, and binds those who take it to support the Constitution and laws of the United States and of the State of Alabama; the remainder is specific, and provides substantially that the affiant will not in future favor secession; that he will accord to all men the political and civil rights claimed by himself; that he will not persecute Union men for Unionism, and will maintain inviolate, freedom of speech and political action.

Although numerically in the minority, the disloyalists control the lands and wealth of the State. In restoring to them the elective franchise, and drawing the veil of oblivion over the past, we simply demand a moderate guarantee for the political and personal safety of other less fortunate citizens. Is this harsh or ungenerous, especially when we consider the past conduct of the men with whom we are dealing? We shut the door upon no one who is content with an even chance among his fellows, and is willing to "live and let live." He who would refuse to take the proposed oath, has no faith in the principles upon which our national existence was founded, and certifies his hostility to the Constitution and laws of the United States. He who would refuse such an oath, would again plunge the State into secession—would again apply the torch to the homes, and the rope to the necks of his fellow men, in mad efforts to destroy the country and liberty.

We have offered an almost universal amnesty upon terms more liberal than were ever before tendered men similarly situated; requiring only that the recipients of it shall agree that if they get control of the State, they will not deal with us more harshly than we have with them, and if they should refuse to accept it, none outside their own ranks would sympathize with them. If, after fighting for years to overthrow the general government and to exterminate the loyal sentiment of this State, they should refuse to agree to behave loyally and decently in the future in return for a proffered oblivion of their past errors, they will everywhere be adjudged as contumacious and undeserving of forgiveness.

Believing that the provisions that we have proposed are essentially just, and that if they are open to objection at all, it is for being too mild, we respectfully submit them to the judgment of the Convention.

ALBERT GRIFFIN,
JOHN C. KEFFER,
JOSIAH H. DAVIS,
B. W. NORRIS.

Mr. Griffin moved that five hundred copies of the report be printed for the use of the members;

Which motion was adopted.

Mr. Speed asked leave to submit the report of a minority of the committee.

Leave was granted, and Mr. Speed read the report, as follows:

MINORITY REPORT FROM THE COMMITTEE ON FRANCHISE.

To the President and Members of the Constitutional Convention:

GENTLEMEN:—The undersigned, a minority of the Committee on Elective Franchise, not being able to concur in the provisions and requirements contained in the report of the majority, as to who shall be qualified electors under the Constitution proposed to be adopted by this Convention, most respectfully submit and recommend in lieu of the several articles and sections proposed by the majority, the following:

ARTICLE.

SEC. 1. Every male citizen of the United States, and every person who has legally declared his intention to become a citizen of the United States, twenty-one years of age and upwards, who shall have resided in this State twelve months next preceding the election, and the last three months thereof in the county, shall be deemed a qualified elector.

Provided, That no soldier, sailor, or marine, in the regular army or navy of the United States, and no person who shall have been convicted of treason, perjury, bribery, forgery, or other high crime, or misdemeanor, which may be by law declared to disqualify him, and no person who has violated the rules of civilized warfare, shall be entitled to vote at any election of this State.

Sec. 2. As a condition precedent to voting in this State, every person shall be required to take an oath or affirmation to support, obey, preserve, protect, and defend the Constitution and laws of the United States and the Union of the States thereunder, and the Constitution and laws of the State of Alabama.

The minority have endeavored to conform to the requirements and demands of the act passed by Congress, March 2d, 1867, entitled "An Act to provide for the more efficient government of the rebel States," and the acts supplementary thereto. They believe this Convention derives its sole power from these acts, and that they prescribe the limits of its action. The minority have no disposition to go beyond these limits, and if they had the disposition, they have not the power, nor would it be safe, expedient, wise, or patriotic to do so. They make no distinction on account of color, race, or previous condition. They give to the colored man all the political rights they give to the white man. They extend the right of the elective franchise to all men of every race and color, who will take an oath of allegiance to the Government of the United States, and the State of Alabama, abandoning forever the right of secession as a constitutional right.

As a matter of compromise, they are willing to consent to the adoption of the test oath to this extent. So far as they are informed, this is going on further than the statesmen and patriots who formed the articles of confederation and the several constitutions of the thirteen original States, and the Federal Constitution, went in any instance. They, the majority, know of no instance where a test oath was inserted by the framers of a Constitution as a part of the organic law, except in the case of Tennessee and Missouri, and they doubt its policy as a part of the fundamental law of a State. They have conformed as nearly as possible to the language used in Constitutions of this and other States, because such language has already received judicial interpretation that may prevent ambiguity as to its meaning.

The minority are of the opinion that the provisions of paragraph three and of section two of the majority report, are unjust, unwise, and in direct violation of the Constitution of the United States, and of the acts of Congress known as the reconstruction measures, under which this Convention is acting, and which defines its power and limits its action.

And the minority believe, furthermore, that adoption of these provisions will be the means of defeating before the people the ratification of the Constitution framed by this Convention, and that even if ratified by the people it would be rejected by Congress.

The minority recommend, that instead of requiring so long a test oath, embracing so many conditions as that prescribed by the majority, that this Convention incorporate such provisions as may be thought expedient, in the Constitution, and then require, as already recommended, each elector to take and subscribe an oath to support the Constitution and laws of the United States, and of this State. This method appears to them to be far more effectual, as well as less objectionable. The question of the elective franchise is the most vital question to the people of Alabama that this honorable body will be called to act on. It affects the rights and interests of every citizen of this Commonwealth. The minority trust the Convention will act with moderation, discretion, wisdom, and justice, and with charity for all, and malice toward none.

JOS. H. SPEED,
BENJ. WHELAN,
THOS. LEE.

Mr. Speed moved that five hundred copies of the report be printed;

Which was agreed to.

Mr. Semple moved that the minority report of the Committee on the Elective Franchise be considered in connection with the report of the majority of the same Committee;

Which was agreed to.

Mr. Keffer of Montgomery, offered the following as a section of the Constitution:

LEGISLATIVE DEPARTMENT.

ARTICLE —.

SECTION —. No special law shall be enacted to authorize the passage, by a municipal corporation, of any law inconsistent with the general laws of the State;

Which was referred to the Committee on the Legislative Department.

Mr. Keffer also offered the following as a section to the Constitution:

JUDICIAL DEPARTMENT.

ARTICLE —.

SECTION —. The General Assembly shall have power to establish, in each county within the State, a Court of Probate for the granting of letters testamentary and of administration, and for orphan's business, and every such Court of Probate shall be a Court of general jurisdiction ;

Which was referred to the Committee on the Judicial Department.

Mr. Gardner offered the following resolution :

Resolved, That the Secretary be allowed such clerical force as is necessary to furnish the printers with an official copy of such ordinances and reports as the Convention may order printed, so that the Convention may be supplied with copies at the earliest possible moment ;

Which was adopted.

Mr. Peters offered the following resolution :

Resolved, That a committee of thirteen be appointed by the President of this Convention on "Establishing a civil government for this State, loyal to the Union ;" that twelve of the members of the said committee shall be taken, two from each of the Congressional Districts of this State, and that said committee choose their own chairman ;

Which was adopted.

Mr. Monroe of Baldwin, offered the following resolution :

Resolved, That this Convention memorialize Congress to have the tax on spirits of turpentine removed ;

Which was referred to the Committee on Cotton Tax.

On motion, the Convention adjourned until to-morrow, at 10 o'clock, a. m.

Attest : Robert Barber, Secretary.

SEVENTH DAY.

Tuesday, Nov. 12, 1867.

The Convention re-assembled pursuant to adjournment, the President, E. W. Peck, in the chair.

Prayer was offered by the Rev. Mr. Avery of Mobile.

The roll of members was called, and a quorum being announced as present, the Convention proceeded to business.

The journal of the session of the preceding day was read and approved.

The districts were then called for ordinances and petitions.

Mr. Gardner of Butler, offered "An Ordinance declaring the status of Alabama during the existence of the period of the rebellion";

Which was read first and second times, and referred to the committee on Ordinances and State Government.

Mr. Gardner of Butler, introduced "An Ordinance prohibiting Slavery."

On motion, it was referred to the committee on Ordinances.

Mr. Strange of Macon, introduced "An Ordinance, defining the political status of the State of Alabama during the rebellion, and declaring the value of contracts made for Confederate money, for the purchase of slaves, and for other purposes";

Which was referred to the committee on Ordinances.

Mr. Alexander of Autauga, offered "An Ordinance to change the compensation of Registers in Chancery in certain cases";

Which was referred to the committee on Ordinances.

Mr. Greathouse of Tallapoosa, offered "An Ordinance to declare void certain cases therein mentioned;"

Which was read the first and second time, and referred to the committee on the Judicial Department.

Mr. Bingham of Talladega, offered "An Ordinance adjusting the indebtedness existing between the citizens of Alabama previous to July 21st, 1865";

Which was read the first and second time, and referred to the committee on Ordinances.

Mr. Ewing of Baine, offered "An Ordinance for the relief of the people of the State of Alabama;"

Which was referred to the committee on Ordinances.

Mr. Austin of Jackson, offered "An Ordinance prohibiting defaulters from holding office:"

Which was referred to the committee on Ordinances.

Mr. Rapier of Lauderdale, offered "An Ordinance in regard to contracts during the war";

Which was referred to the committee on Ordinances.

Mr. Skinner offered the following resolution:

Be it resolved by this Convention, That the President appoint a committee of five to prepare a memorial to the Congress of the United States requesting that body to pay the loyal citizens of the State of Alabama for property taken for the use of the army of the United States, or for damages done to the property of loyal citizens of the State of Alabama, and that a copy of said memorial and this resolution, be forwarded by the President to the Speaker of the House of Representatives and President of the Senate, with a request that they be laid before their respective bodies;

The resolution was adopted.

Mr. Ely of Russell, offered the following:

Resolved, That the committee on "Executive Department" be requested to frame into the Constitution the following provisions:

1st. The Executive power shall be vested in a Governor, who shall hold his office for two years; a Lieutenant Governor shall be chosen at the same time and for the same time.

2d. No person, except a citizen of the United States, shall be eligible to the office of Governor, nor shall any person be eligible to that office who shall not have obtained the age of (30) thirty years, and who shall not have been two (2) years next preeeding his election a resident within this State.

3d. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor, for the residue of the term or until the disability shall cease.

4th. The Lieutenant Governor shall possess the same qualifications of eligibility for office as the Governor. He shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant Governor shall be impeached, disqualified, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor, until the vacancy is filled, or the disability shall cease.

Mr. Griffin moved to lay the resolution on the table. He did not want the committee to report such a short term of office as two years.

The motion to lay the resolution on the table was agreed to.

Mr. Bingham offered the following:

Resolved, That a committee of five be appointed to inquire whether any money has been paid by order of the pretended government of this State, to any person or persons for or on account of services rendered as officials, or otherwise, during the rebellion, and report to this Convention at an early day the facts, with the names of the parties, the amounts paid, and the kind and character of service rendered, or other consideration for which said payments were made.

The resolution was adopted.

Mr. Griffin of Mobile, offered the following:

Resolved, That the Judiciary committee be instructed to report to this Convention, an ordinance providing for the summary punishment of libellers, either of officers or private individuals.

The resolution was adopted.

The special order for the day—the ordinance relieving certain persons from the pains and penalties of bigamy—was then taken up.

Mr. Carraway of Mobile, moved to amend the ordinance, by striking out all after the word "whereas," and inserting the following:

WHEREAS, During the existence of slavery the usages of the country permitted many thousands of its people to live together without the binding obligations of lawful marriage, and in many instances the connections were forced to suit the wishes and interest of the slaveholder:

Be it ordained, That all such freedmen and women who shall now be living together as man and wife, shall be regarded in law as man and wife, and that children, whether black or mixed blood, are hereby declared to be entitled to all the rights, benefits and immunities of children of any other class under the laws of Alabama.

And be it further ordained, That all prosecutions for bigamy, instituted against any person or persons who have, by mutual consent, dissolved such connection, and afterward married another person, shall be null and void.

The ordinance, as amended, was referred to the committee on the Judiciary.

Mr. Peters of Lawrence, moved that the special order for the hour, the consideration of the report of the committee on Finance and Taxation, be postponed until to-morrow;

Which was agreed to.

Mr. Peters of Lawrence, presented the following, and asked its reference to the commmittee on the Judicial department:

PETITION.

To the Honorable Convention of the State of Alabama, assembled:

We, the undersigned, John A. Lyle, Thomas Lyle, and Francis H. Jones, (representatives of his children, America L. Jones, Dumas V. Jones, and Antoinette L. Jones,) would represent that they are tenants in common of a certain tract of land, belonging to the estate of Thomas Lyle, deceased, said tract being situated in Lawrence county, and State of Alabama—would respectfully represent to your honorable body that the existing statute does not give sufficient relief, and do humbly pray that provision be granted to the Hon. Probate Judge of Morgan county, to issue an order appointing three or more commissioners to divide said tract of land, according to the interest of the several parties.

All of which is respectfully submitted.

JOHN A. LYLE, Adm'r.
THOMAS LYLE,
F. H. JONES.

November 8, 1867.

The petition was referred.

The special order of the hour was then taken up, to-wit: The reports of the committee on Elective Franchise.

Mr. Speed of Perry, was granted leave to amend the minority report by inserting the word "male" before "person," the first time such word occurs in section 1, article 1, of said report.

Mr. Griffin of Mobile, moved that the report of the majority of the committee be adopted.

Mr. Haughey of Morgan, offered the following as an amendment to the report of the majority of the committee:

Provided, That no person shall be deemed a qualified elector in this State before the year 1875, who ever held a military office above the rank of captain, or ever held a seat in any pretended Legislature, or held any executive, judicial or ministerial office under any government, or pretended government, in hostility to the government of the United States, or acted in any way as agent of any civil or military authority then engaged in hostility to the government of the United States, or held a seat in the Secession Convention of Alabama, in 1861, and voted for or signed any pretended ordinance of secession, or killed, or otherwise abused citizens of Alabama because said citizens were known to be friends of the government of the United States, or treated United States soldiers when captured in the line of duty, otherwise than as prisoners of war.

Mr. Haughey also presented a substitute for the oath, as follows:

I, A. B., do solemnly swear that I never held an office above the rank of captain, nor held a seat in any pretended Legislature, nor held any executive, judicial or municipal office, under any government, or pretended government, in hostility to the United States, nor acted in any way as agent, civil or military, of any authority, or pretended authority, in hostility to the United States, nor held a seat in the Secession Convention of Alabama, in 1861, and did not vote for or sign the so-called Ordinance of Secession, nor killed, persecuted or abused citizens of Alabama because said citizens were known to be friends of the government of the United States, nor treated United States soldiers, when captured in the line of duty, otherwise than as prisoners of war.

Mr. Griffin of Mobile, moved that the rules be suspended, and that all amendments offered be printed, and tabled until 12 o'clock to-morrow, and members allowed to discuss the whole subject when presenting these amendments;

Which was agreed to.

Mr. Russell of Tallapoosa, offered the following as an amendment to the article reported by the majority of the committee on Franchise.

Resolved, That all of the majority report (after the ordaining clause) be stricken out and the minority report substituted therefor.

The resolution was laid over under the rule.

Mr. Reynolds of Wilcox, offered the following as an amendment to the article reported by the majority of the committee:

Amendment to the majority report of Committee on Franchise upon qualification of Electors.

ARTICLE.

SEC. 1. At any election held by the people under this Constitution, or in pursuance of any law of this State, or under any ordinance, or by-law of any municipal corporation, no person shall be deemed a qualified voter who inflicted, or caused to be inflicted, any unusual punishment upon any soldier, sailor, marine, or employee of the United States, or citizen of the State of Alabama, or who in any other way violated the rules of civilized warfare, or who shall have been convicted of treason, embezzelment of the public funds, malfeasance in office, crime punishable by law with imprisonment in the penitentiary, or bribery, or who having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State of the United States, shall have engaged in insurrection, or rebellion against the same, or given aid or comfort to the enemies thereof.

SEC. 2. The General Assembly shall have the power to remove the disabilities enumerated in this article by a vote of both Houses, provided, however, that so much of the disabilities enumerated in this article as are enumerated in section 3, article 14, of the proposed "Constitutional Amendment," shall cease to be operative in all cases, at such time as said disabilities shall be removed by the Congress of the United States.

Sec. 3. All qualified voters shall, before being allowed to vote at any election, take the following oath:

I, A. B., do solemnly swear, that I am well acquainted with the terms (Sec. 1 of Article —) of the Constitution of the State of Alabama, adopted eighteen hundred and sixty —, and have carefully considered the same; that I have never, directly or indirectly, done any of the acts in said section specified; that I will bear true faith and allegiance to the United States, and will support the Constitution and obey the laws thereof, as the supreme laws of the land, any law or ordinance of any State to the contrary notwithstanding; that I will, to the best of my ability, protect and defend the Union of the United States against all enemies, foreign or domestic; that I will honestly and faithfully support the Constitution of the State of Alabama, and obey the laws thereof, and that I take this oath without any mental reservation or evasion whatever.

The amendment was laid over under the rule.

Mr. Burton of Marengo, offered the following amendment:

1st. Strike out all of the first section after the word "provided," and substitute all after the word "provided," of the first section of article 1st, in the report of the minority. (See below.)

2d. Amend section 2, to read as follows: It shall be the duty of the General Assembly to provide from time to time, for the registration of all electors, but as a condition precedent to registering and voting in this State, every person be required to take an oath or affirmation to support, obey, preserve, protect, and defend the Constitution and laws of the United States, and the Union of the States thereunder, and the Constitution and laws of the State of Alabama. (See below, No. 2.)

3d. Strike out all the remainder of the article.

ARTICLE.

Sec. 1. Every male citizen of the United States, and every male person, who has legally declared his intention to become a citizen of the United States, twenty-one years old, or upward, who shall have resided in this State six months next preceding the election, and three months in the county in which he offers to vote, shall be deemed an elector. Provided, That no soldier, sailor or marine, in the regular army or navy of the United States, and no person who shall have been convicted of treason, perjury, bribery, forgery, or other high crime, or misdemeanor, which may be by law declared to disqualify him, and no person who has violated the rules of civilized warfare shall be entitled to vote at any election of this State.

SEC. 2. *Provided*, That on and after the 1st of January, 1870, no person who was then a qualified voter, shall be allowed to register and vote, unless he shall be able to read the Constitution of this State in the English language, and write his own name.

The amendment was laid over under the rule.

Mr. Black of Bullock, offered the following:

An amendment to section 1st of the Majority Report on Franchise:

All who can read the Constitution of the United States, and the State of Alabama, and write a good, legible hand;

Which was laid over under the rule.

Mr. Saffold of Dallas, offered the following substitute for section 3 of Majority Report of committee on Elective Franchise:

I do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Union of the States, and the Constitution and laws of the State of Alabama; that I accept and will maintain the political equality of all men, and will discountenance any persecution of persons for their adherence to the government of the United States and the reconstruction policy of Congress;

Which was laid over under the rule.

Mr. Silsby of Dallas, offered the following

ARTICLE.

SEC. 1. (As in the Majority Report.)

SEC. 2. Add to No. 1 as follows):

1. * * * * * * * * * *

and those who, since the emancipation proclamation, and during the time that no legal governments existed in the State, have been guilty of the murder of freedmen or other citizens of the United States.

2. (As the Majority Report.)

3. Those who having been required, in accordance with the provisions of an Act of Congress entitled "An Act to provide for the more efficient government of the Rebel States," passed March 3d, 1867, and the Act supplementary thereto, shall oppose the election at which this Constitution shall be submitted, or shall dissuade legal electors from attending the same;

Which was laid over under the rule.

Mr. Silsby of Dallas, addressed the Convention in support of his proposition.

Mr. Bingham of Limestone, offered the following as an amendment to the first section:

Provided, That after the year 1877, no person arriving at the age of twenty-one years, shall be deemed an elector in this State who cannot read and write;

Which was laid over under the rule.

Mr. Gregory of Mobile, offered the following amendment to section 1st of the Majority Report, to insert after the words "twenty-one years of age," who may have been born or may be born in the State of Alabama;

Which was laid over under the rule.

Mr. Coon moved to adjourn until three o'clock, P. M., which was agreed to.

AFTERNOON SESSION.

Mr. Austin presented the following report of the committee on the Public Debt:

The committee on Public Debt instruct me to report that they have had matters referred to them under consideration, and that they find the entire Public Debt of the State to be the sum of six millions one hundred and thirty thousand nine hundred and ten dollars ($6,130,910,) which is shown more in detail as below.

STATEMENT.

Amount of bonds bearing five per ct. int. payable in London, 1866, and renewed 20 years		$648,000
Back interest on same, funded with 5 per ct. bonds,		64,000
Amount of bonds bearing six per cent. interest, payable in London in 1870,		688,000
Back interest on same funded with six per cent. bonds.		82,560
		$1,482,560
Amount of bonds bearing five per cent. interest, payable in New York	$2,109,000	
Back interest on same funded with five per cent. bonds, payable in 1886,	473,850–	$2,582,850
Amount of bonded debt		$4,065,440
Amount of eight per cent. bonds, sold since 1865, issued by act of Legislature, approved Dec. 15, 1865,	$55,500–	$4,120,910

Sixteenth section Trust Fund......	$1,710,000
University Trust Fund............	300,000
School Fund....................	2,010,000
Bonded Debt....................	4,120,910
Total debt....................	$6,130,910

The information above given was derived from His Excellency, Robert M. Patton, Governor of the State, who most readily and courteously afforded all the information in his power to the committee. And the committee feel it due to him to say that he has managed the financial affairs of the State in a highly praiseworthy and successful manner.

All of which is most respectfully submitted.

Wm. A. Austin,
Chairman.

November 12, 1867.

Mr. Burton, from the committee appointed to memorialize Congress on the cotton tax, made a report, which was recommitted.

Mr. Applegate of Madison, presented the following amendmend to the amendment of Mr. Haughey, to the article on Franchise:

And further: No such disability shall attach to any soldier of the late so called Confederate army, who has since the passage of the reconstruction acts of Congress, used his influence in favor of said laws. And further, that no citizen, or officer, holding the same under the Provisional Government of Alabama, or editor of a public newspaper published in this State, shall have used their influence against the reconstruction acts of Congress, shall be permitted to register or vote until after the year 1875;

Which was laid over under the rule.

Mr. Bingham of Limestone, offered the following, as a separate section:

Sec. No person shall be deemed a qualified elector, or permitted to vote in this State, at any election under this Constitution, unless he will take and subscribe an oath that on the 4th day of March, (1864,) eighteen hundred and sixty-four, he preferred the government of the United States to the government of the so-called Confederacy, and would have abandoned its cause had he had the opportunity to have done so;

Which was laid over under the rule.

Mr. Springfield of St. Clair, offered the following as an amendment to the majority report from the committee on the Franchise:

The following persons shall not be permitted to vote, register or hold office, viz: all persons who registered as qualified voters of the State, under and in accordance with an act of the Congress of the United States, passed March 2d, 1867, and the acts supplementary thereto, and afterwards publicly expressed themselves as opposed to the government of the United States and the laws thereof, and acted accordingly;

Which was laid over under the rule.

Mr. Russell of Barbour, offered the following, as a substitute for the proposition of the original of the committee:

ARTICLE.

SEC. 1. Every male citizen of the United States, of the age of twenty-one years and upward, (except as hereinafter provided,) who shall have been six months a resident of the State of Alabama, and three months of the county in which he offers to vote, shall be entitled to the elective franchise in all State, county and municipal elections hereafter held in this State.

SEC. 2. The provisions of section first shall not apply to any person who voluntarily participated in the recent rebellion against the government of the United States, unless such person has assisted in restoring the State to her proper relations in the Union, and under the reconstruction laws passed by the Fortieth Congress.

SEC. 3. No other persons, except those designated by the terms of sections 1 and 2, shall be hereafter entitled to vote at any election in this State.

SEC. 4. It shall be the duty of the first Legislature assembled under this Constitution, to provide by law for carrying the provisions of this article into full force and effect;

Which was laid over under the rule.

Mr. Strange of Macon, offered the following as an amendment to the section of the majority report, beginning at the word but in the fourth line from top:

Which registration shall take place in the months of January, February and March, in each and every year, and no person shall vote at any election after the 31st of March in each year, who has not registered his name in the months aforesaid, and paid into the County Treasury the sum of one dollar at least, or such other or greater sum as may be required by law. The said fund so collected as aforesaid, shall be a county fund to be appropriated exclusively to the use of free schools in each county;

Which was laid over under the rule.

Mr. Coon of Dallas, offered the following as a substitute to the Majority Report of the committee on Franchise:

(Strike out all of section 2 after the word "but,") and substitute: No person who is prohibited from registering himself as a voter in this State, under present legislation of Congress and the instructions given to Boards of Registration in this State, shall hereafter be permitted to vote or hold office in this State, until relieved of such disability by a two-thirds majority of the General Assembly:

Provided, That this article shall not operate to the disfranchisement of any person who may be relieved from such disabilities by acts of Congress before the next session of the General Assembly of this State;

Which was laid over under the rule.

Mr. Reynolds, from the committee on Finance and Taxation, asked leave to meet during the sitting of the Convention.

Leave was granted.

Mr. Dustan of Marengo, offered the following:

Resolved, That the address to Congress on the report of the Cotton Tax, be adopted by this Convention, and the President of the Convention be directed to transmit a copy of the same to the President of the United States Senate, and to the Speaker of the House of Representatives.

Mr. Barton of Marengo, moved that the further consideration of the resolution be postponed until to-morrow, and that Mr. Reynolds of Wilcox, be added to the committee;

Which was agree to.

Mr. Griffin of Mobile, moved that the memoriol be recommitted to the committee;

Which was agreed to.

Under the resolution of Mr. Skinner of Franklin, adopted on yesterday, the President appointed as the committee on oath of office—Messrs. Skinner, Chairman; 1st district, Horton, Saffold; 2d district, Buckley of Montgomery, Stow; 3d district, Ely, Plowman; 4th district, Graves, Hayes; 5th district, Austin, Ewing; 6th district, Wilhite, Stewart.

Mr. Skinner moved to adjourn.

The motion was agreed to, and the Convention adjourned until 10 o'clock to-morrow.

Attest: ROBERT BARBER, Secretary.

EIGHTH DAY.

MONTGOMERY, Wednesday, Nov. 13, 1867.

The Convention re-assembled pursuant to adjournment, the President, E. W. Peck, in the chair.

Prayer was offered by the Rev. Mr. Silsby, of Dallas.

The roll of the members was called, and a quorum being announced as present, the Convention proceeded to business.

The minutes of the session of the preceding day were read and approved.

The President announced the following committees:

Committee on Establishing Civil Government in the State.—Thos. M. Peters, Chairman; 1st Dist., Messrs. Griffin and Saffold; 2nd Dist., Messrs. Semple and Keffer; 3d Dist., Messrs. Morton and Adams; 4th Dist., Messrs. McGown and L. R. Smith; 5th Dist., Messrs. Austin and Collins; 6th Dist., Messrs. Skinner and Applegate.

Committee to Inquire whether any Money has been paid by order of the Government of the State.—Messrs. Bingham, Haughey, Applegate, McGown and Peters.

Mr. Griffin offered "An Ordinance relating to the Sale and Redemption of, and Lien upon, Real Estate."

Mr. Griffin moved that the ordinance be referred to a special committee, consisting of the chairman and one member from each Congressional District.

The motion was agreed to.

Mr. Jolly of Coffee, offered "An Ordinance dissolving the rites of matrimony between Jehu Stokes and his wife Sarah Stokes, of the county of Dale;"

On motion the ordinance was laid on the table.

Mr. Silsby moved that the rules be suspended, in order to take up the report of the majority of the committee on Franchise.

The President—That is set for 12 o'clock by special order, and there are other special orders which have precedence over it.

Mr. Griffin of Mobile, moved that the further call of the House by Districts be dispensed with, and that the House proceed at once to the consideration of the report of the majority of the committee on Franchise.

Mr. Griffin moved that the special orders set for 11 o'clock be suspended.

Mr. Reynolds hoped not. He desired to have a consideration of the report of the committee on Finance and Taxation. It would only take a short time to get through with it.

Mr. Griffin moved that the report of the committee on Finance and Taxation be taken up.

The motion was agreed to and the report was taken up.

Mr. Reynolds moved the adoption of the report.

Mr. Peters desired to have the report read.

The Secretary read the report as follows:

The committee on Finance and Taxation have instrueted me to make the following report:

The committee on Finance and Taxation, who met with the committee on the Public debt, beg leave to say, that they partially considered the important matter referred to them, and they unanimously instructed the following resolution to be reported to the Convention, and recommend its unanimous adoption:

Resolved, That it is the determination of this Convention to recognize all legitimate indebtedness of the State of Alabama, and we hold that said indebtedness should ever be held sacred.

In this list of obligations we enumerate—

1st. The entire bonded debt due January 10th, 1861.

2d. The bonded debt created since 1865, in funding coupons due and unpaid.

3d. Bonds issued in extending matured debts of 1866.

4th. Bonded or other indebtedness created during the last two years, together with "tax receipts" or "certificates," issued by authority of law for paying legitimate expenses of the Provisional Government. *Provided*, however, that no indebtedness (bonded or otherwise,) created by the State of Alabama, during the late rebellion, or indebtedness created during the last two years, for the benefit, directly or remotely, of any interest of the rebel State, or Confederate government, shall in any manner be recognized by this committee.

R. M. REYNOLDS, *Chairman.*

Mr. Semple moved to strike out the words "authority of law" and insert instead "the State of Alabama."

The amendment was rejected.

On motion to adopt the report the yeas and nays were called and ordered, and resulted yeas 89, nays none, as follows:

Yeas—The President, Adams, Alexander of Greene, Alexander of Autauga, Applegate, Austin, Autrey, Bingham of Limestone, Black, Blackford, Blandon, Brainard, Brunson, Buck, Buckley of Lowndes, Buckley of Montgomery, Burdick, Burton, Cabot, Carraway, Collins, Coon, Davis, Deal, Diggs, Dustan, Dykes, Ely, Ewing, Falmer, Finley, Gardner, Garrison, Gilder, Graves, Greathouse, Green, Gregory, Griffin, Hatcher, Haughey, Hayes, Hurst, Horton, Howard, Inge, Bingham of Talladega, Jackson, Johnson of Henry, Johnson of Russell, Jolly, Jones of Conecuh, Jones of Covington, Jones of Madison, Kefier, Kennemere, Lee, Lore, McGown, Mahan, McLeod, Martin, Masterson, Meadors, Miller, Moore, Morgan, Morton, Norris, Peters, Plowman, Rapier, Reynolds, Robinson, Rolfe, Royal, Russell of Barbour, Russell of Tallapoosa, Saffold, Semple, Silsby, Simmons, Skinner, Smith, Speed, Springfield, Stanwood, Steed, Stewart, Stow, Strange, Strother, Towles, Walker of Jefferson, Walker of Shelby, Wheelan, Whitney, Wilhite, and Yordy—89.

So the report was adopted.

On motion of Mr. Reynolds, the report of the committee on the Public Debt was laid on the table.

Mr. Coon of Dallas, offered the following as an amendment to the report of the Majority of the committee on Franchise, to come in after the last provision made in the first section by the majority of the committee:

ARTICLE.

SECTION 1. Every male citizen of the United States, and every male person, who has legally declared his intention to become a citizen of the United States, twenty-one years old, or upward, who shall have resided in this State six months next preceding the election, and three months in the county in which he offers to vote, shall be deemed an elector. *Provided*, That no soldier, sailor or marine, in the naval service of the United States, shall hereafter acquire a residence by reason of being stationed on duty in this State.

And provided further, That the existing political disabilities imposed by law upon persons resident of this State, for participation in the late rebellion, shall continue in force until removed by a vote of two-thirds of the General Assembly.

SEC. 2. It shall be the duty of the General Assembly to provide and maintain a system of registration of qualified voters, under which all elections in this State shall be conducted. And all voters shall be duly sworn to the qualifications prescribed above, and support and defend the Constitution of this State, and of the Constitution and supreme authority of the United States.

SEC. 3. Conviction for treason, or other crime having the grade of felony at common law, shall operate disfranchisement in this State.

"An Ordinance to provide for the removal of political disabilities from certain persons."

Which was laid over under the rule.

Mr. Dustan of Marengo, moved that the Convention adjourn to 3 o'clock P. M., which was agreed to.

AFTERNOON SESSION.

The Convention re-assembled pursuant to adjournment, the President, E. W. Peck, in the chair.

Mr. Keffer of Montgomery, on leave, presented the following report from the committee on Elections:

The committee on Elections unanimously report the accompanying ordinance to protect electors, and respectfully recommend its passage.

(Signed.) J. C. KEFFER,
Chairman.

Mr. Garrison of Blount, offered the following:

An amendment to Article 1st., Section 2d, of the Majority Report on Franchise.

1st. Those men who were members of the State Convention of 1861, and voted or signed the ordinance of secession.

2d. Those men who were members of the Confederate Congress, and voted for the conscript law.

3d. All men who are now disfranchised by the reconstruction laws of Congress.

4th. All men who registered under the laws of Congress, and afterwards declared themselves opposed to Congress and its laws.

5th. All military officers of the Confederate States, above the rank of captain.

6th. All executive or judicial officers of the rebel States, or, so-called Confederate Government, above the office of justice of the peace, and bailiff.

7th. All men who treated soldiers, sailors, marines or employees of the United States, otherwise than as prisoners of war, or abused Union citizens for their loyalty to the United States.

Which was laid over under the rule.

Mr. Reynolds of Wilcox, was granted leave to amend the amendment offered by himself on yesterday, as follows:

Insert in section 3 immediately after the words, "that I have never directly or indirectly done any of the acts in said section specified," the words "or having done any one or all of said acts, the disability thereby incurred has been removed by Congress."

Which was laid over under the rule.

Mr. Moore, of Baldwin, ordered the following as an amendment to the report of the majority of the Committee on Franchise:

And that the following be inserted instead of section 3 in said report: That in carrying out the provision mentioned in section 2d in relation to registration, that it be inserted in the Constitution of this State: that before any name shall be registered, the person applying to have his name recorded as a voter, shall take and subscribe to the following oath:

I do solemnly swear (or affirm), in the presence of Almighty God, that I am a citizen of the State of Alabama; that I have resided in said State for twelve months, and in this county in which I now propose to vote three months next preceding this day; that I am twenty-one years old; that I have not been disfranchised for participation in rebellion or civil war against the United States, nor for felony committed against the laws of this State, or the United States; that I have never taken an oath as a member of Congress of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States, or given aid and comfort to the enemies thereof; that I will faithfully support the Constitution and obey the laws of the United States and of the State of Alabama, and will, to the best of my ability, encourage others to do so. So help me God.

Which oath or affirmation may be administered by any registry officer.

OATH OF OFFICE.

That hereafter any person elected or appointed to any office of honor or profit under the Government of this State, either in the civil, military, or naval department of the public service, shall, before entering upon the duties of such office, and before being entitled to any of the salary, or other emolument, thereof, take and subscribe the following oath:

I, A. B., do solemnly swear (or affirm), that I have never voluntarily borne arms against the United States, since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; that I have never sought or accepted, or attempted to exercise the functions of any office whatever under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, power or constitution within the United States, hostile, or inimical thereto; and I do further swear (or affirm) that to the best of my knowledge and ability I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter; being the oath passed by Congress, and called the oath of office, approved July 2d, 1862.

Which was laid over under the rule.

Mr. Haughey of Morgan, offered the following as an additional proviso to his amendment, offered yesterday:

Provided, That no person shall be disqualified as an elector in this State, who, at the time he seeks to register, can prove by two or more creditable witnesses that on the first day of November, 1867, he was a sincere friend of the government of the United States, and was anxious to restore Alabama to her place in the Union, upon the terms prescribed by Congress.

Which was laid over under the rule.

Mr. Wheelan, on leave, offered the following amendment to the minority report:

That after the word "provided," in the first section, insert the words "all such persons as may be disfranchised for participation in the rebellion, or for felony at common law; and provided further."

Which was laid over under the rule.

Mr. Skinner moved to adjourn.

Mr. Griffin moved to amend by inserting until half past seven o'clock, p. m.

The motion was disagreed to.

Mr. Skinner renewed his motion to adjourn, which was agreed to, and the Convention adjourned until ten o'clock, Thursday, November 14.

ROB'T BARBER, Sec'y.

NINTH DAY.

THURSDAY, November 14, 1867.

The Convention re-assembled pursuant to adjournment, the President, E. W. Peck, in the chair.

Prayer was offered by the Rev. Mr. Harrison of Blount.

The roll of members was called, and a quorum being announced as present, the Convention proceeded to business.

The minutes of the session of the preceding day were read.

Mr. Reynolds moved to correct the minutes, by the substitution of the word "minority" for "majority," in his amendment.

Mr. Strange of Macon, introduced the following:

"An Ordinance for the Relief of Reuben Kelley, of the county of Russell."

THAT WHEREAS, by a decree of the Chancery Court of the 13th District of the State of Alabama, at the spring term thereof, 1867, Litha Ann Kelley, wife of Reuben Kelley of the county of Russell, was divorced from the bonds of matrimony from her said husband, and thereby relieved from all disabilities and allowed to marry again.

Now, therefore, be it Ordained by the People of Alabama in Convention Assembled, That the said Reuben Kelley be, and he is hereby, relieved from all disability, on account of matrimonial relation to the said Litha Ann Kelley, and that he is hereby authorized to marry again without violation of law.

Mr. Bingham of Talladega, introduced the following:

Be it Ordained by the People of Alabama in Convention assembled, That the General Assembly shall not have the power to levy a poll tax.

Mr. Bingham moved that the ordinance be referred to the committee on Finance and Taxation. Agreed to.

Mr. Dykes of Cherokee, introduced the following:

SEC. 1. *Be it Ordained by the people of Alabama in Convention assembled,* That all debts contracted prior to the 11th day of January, 1861, and now remaining unpaid, shall be held valid, and be recoverable at suit at law, in any of the courts of this State, having jurisdiction over the same, except debts accruing from the sale of slaves;

Which was referred to the committee on the Judicial Department.

Mr. Peters of Lawrence, introduced "An ordinance upon the granting of new trials at law and equity, and in the courts of probate."

On motion of Mr. Peters, the ordinance was referred to the Committee on the Judiciary Department.

Mr. Bingham introduced "An ordinance to increase the Common School Fund."

Mr. Graves of Perry, moved to lay the ordinance on the table;

Mr. Gardner opposed it.

Mr. Wilhite of Winston, called for the yeas and nays on the motion to lay on the table.

Mr. Graves withdrew the motion.

The ordinance was then referred to the Committee on Ordinances and State Government.

Mr. Rapier of Lauderdale, introduced the following:

"An Ordinance in relation to colored citizens of the State of Alabama."

Whereas, the Elective Franchise of those persons in the State of Alabama, known as colored persons, rests solely upon the success of the Reconstruction Laws of Congress;

Therefore, be it ordained by the people of Alabama in Convention assembled, That all colored male persons of the age of 21 years are hereby declared to be citizens of Alabama, and are entitled to all privileges and immunities of any of the citizens thereof;

Which was referred to the committee on Ordinances and State Government.

Mr. Saffold of Dallas, from the committee on the Legislative Department, presented the unanimous report of the committee.

Mr. Griffin moved that the report be recommitted to the committee, so that it can be divided, and the parts which do not properly relate to the Legislative Department, shall be turned over to the other committees.

Mr. Morgan of Wilcox, moved that the report be laid on the table and ordered to be printed for future action and consideration, and that it be made the special order for Saturday at three o'clock in the afternoon.

The motion to recommit was disagreed to.

The motion to lay on the table and print, was agreed to.

Mr. Cabot of Elmore, from the committee on counties and municipal organizations, presented the following report:

ARTICLE.

SEC. The General Assembly may by a two-thirds vote of both branches thereof, arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered except by a like vote. But no new counties shall be hereafter formed of less extent than six hundred square miles, nor shall any existing county be reduced to less than six hundred square miles, and no new county shall be formed not containing a sufficient number of inhabitants to entitle it to one representative under the existing ratio of representation, nor unless the county or counties from which it is taken shall be left with the required number entitling them to separate representation.

The committee on County and Municipal Organizations unanimously recommend the preceding section to the favorable consideration of this Convention, for its adoption as a section to be inserted in the Constitution of the State of Alabama, and ask leave briefly, to assign a few reasons in its support.

The provisions of this section carefully guard against imposing upon the inhabitants of a county boundaries at variance with the wishes of a majority of the people, by requiring two-thirds of both branches of the General Assembly to establish a new county.

It being presumed that so large a vote could not be obtained against the known wishes of a majority of the people, and if an exception to this conclusion may be cited, it arises not from the falsity of the conclusion, but is the result of the people sleeping upon their rights in not fully making their wishes known.

Your committee have carefully considered the propriety of reinstating the county boundaries of 1861, and find it impossible to do so without gross injustice to the inhabitants of many of the new counties who have assumed their proportion of the indebtedness of the counties from which they were taken, and if an exception to this may be found, redress may, and can, be speedily had by application to the next Legislature. It is not just to counties formed by the consent of counties from which they were formed, who as above stated, paid their indebtedness of the old counties, and have purchased real estate on which to erect jails and court houses, and in many instances these buildings are in process of construction, and in some nearly completed. Taxes are to be collected to pay for these improvements, but they are self imposed, and will effect only the tax payers within the boundaries of the new counties. A careful examination of a sectional map of the State, convinces your committee that a reduction of the number of square miles to four hundred would be so hazardous to the permanence of the county sites of the old counties, that a rejection would be inevitable.

Respectfully submitted.

C. M. Cabot,
G. P. Plowman,
J. H. Howard,
J. W. Wilhite,
W. C. Garrison,
E. Greathouse,
A. Alexander,
Committee.

On motion the report was ordered to be printed and laid on the table.

Mr. Cabot of Elmore, from the committee on County and Municipal Organizations, reported an Ordinance as follows:

"An Ordinance to abolish the new County of Jones, formed and established by the last General Assembly of this State.

Sec. 1. *Be it Ordained by the People of the State of Alabama, in Convention assembled,* That the county of Jones, formed out of a portion of the counties of Marion and Fayette, created by act of the last General Assembly of this State, and purporting to have been approved on the 4th day of February, 1867, be, and the same is hereby abolished, and that the territory and jurisdiction of said new county be restored to the said counties of Marion and Fayette, just as they were on the 10th day of January, 1861; said act is numbered 290, of the acts of said General Assembly, as printed among the pamphlet acts thereof."

I am directed unanimously by the committee on County and Municipal Organizations to report favorable on the above, and to recommend its adoption.

Chas. M. Cabot, Chairman.

Mr. Peters of Lawrence, moved that the ordinance be engrossed and read a third time to-morrow;

Which was agreed to.

Mr. Griffin of Mobile, offered the following:

Resolved, That the various standing committees, which can do so, be instructed to report upon the portion of the Constitution submitted to them on to-morrow, and

Be it further resolved, That such committees as are able to prepare their reports to-day, be instructed to place them in the hands of the Secretary of the Convention, whose duty it shall be to have them printed with to-day's proceedings.

The resolution was agreed to.

The special order of the day, to-wit: The consideration of the memorial to Congress, concerning the extension of the time granted to Railroads for their completion, "in order to enjoy certain grants of land," was then resumed.

Mr. Keffer of Montgomery, moved that the further consideration of the subject be postponed until Thursday, 21st inst.;

Which was agreed to.

Mr. Saffold of Dallas, moved that the further discussion of the report of the committee on Franchise, be postponed until Tuesday next, and made the special order of the day at 12 m.

Mr. Griffin of Mobile, moved to amend by making it Monday, 18th inst. at 11 o'clock a. m.

Pending the consideration of the question, Mr. Austin of Jackson, moved to adjourn until three o'clock p. m.

Division being called for, the yeas were 42 and the nays 35.

The Convention then adjourned.

AFTERNOON SESSION.

The Convention re-assembled, the President in the Chair.

The President announced the following as the Committee to memorialize Congress to pay loyal citizens for property taken for the use of the army of the United States: 1st District, Mr. Skinner; 2d, Mr. D. H. Bingham; 3rd, M. D. Brainard; 4th, L. S. Latham; 5th, B. W. Graves.

The President announced the following as the committee to whom the ordinance relating to sale and redemption of liens upon real estate is referred: Mr. Griffin chairman; 1st district, Mr. Burdick; 2d, Mr. Stow; 3d, Mr. Greathouse; 4th, Mr. Hayes; 5th, Mr. Springfield; 6th, Mr. Simmons.

Mr. Skinner, from the committee on oath of office, asked further time, until Saturday, to prepare the report of the committee.

Leave was granted.

The discussion of the question to postpone the discussion on the majority report was resumed.

Mr. Silsby moved that the final vote on the subject be postponed until Monday at eleven o'clock.

The amendment was not agreed to.

The motion of Mr. Griffin to postpone the question was then put.

Mr. Speed called for the yeas and nays.

The yeas and nays were ordered, and on being taken, resulted, yeas 54, nays 26, as follows:

YEAS—Adams, Alexander of Greene, Applegate, Bingham of Limestone, Bingham of Talladega, Black, Blackford, Brainard, Brunson, Buck, Burton, Carraway, Collins, Davis, Diggs, Dustan, Finley, Greene, Gregory, Griffin, Hatcher, Haughey, Hays, Hurst, Horton, Inge, Jackson of Russell, Jones, Keffer, Kennemere, Lore, McLeod, Martin, Moore, Morton, Norris, Peters, Rapier, Rolfe, Royal, Russell of Barbour, Simmons, Skinner, Smith, Springfield, Stanwood, Steed, Strother, Towles, Walker of Jefferson, Walker of Shelby, Whitney, Wilhite, Yordy.

NAYS—Mr. President, Alexander of Autauga, Austin, Buckley of Lowndes, Buckley of Montgomery, Burdick, Cabot, Coon, Falmer, Gardner, Graves, Greathouse, Howard, Jolly, Jones of Conecuh, Lee, Masterson, Morgan, Robinson, Silsby, Speed, Stewart, Stow, Strange, Wheelan.

So the motion to postpone was agreed to.

Mr. Bingham of Limestone, offered the following:

Resolved, That the special committee raised to examine whether any money has been paid for rebel liabilities, or for services rendered this State during the rebellion, be authorized to send for persons and papers.

The resolution was adopted.

Mr. Gardner of Butler, offered the following:

Resolved, That a committee of five be appointed by the President of this Convention, whose duty it shall be to prepare a memorial to Congress, setting forth the inequality of benefit accruing from the proceeds of the sixteenth section as now vested by townships, and praying that body to enact a law consolidating those proceeds and providing for their distribution *per capita*, according to the number of persons between the ages of five and twenty in this State.

The resolution was adopted.

Mr. Hurst of Coosa, offered the following:

Resolved, That the President appoint a standing committee of seven members, to be known as the committee on agriculture.

The resolution was adopted.

Mr. Strother of Dallas, offered the following:

Resolved, That the committee on Ordinances be instructed to inquire into the expediency of passing an ordinance empowering the colored people of this State to collect a fair equivalent for their services from those persons who held them in slavery from the 1st day of January, 1863, to the 20th day of May, 1865.

The resolution was adopted—yeas 53, nays 31.

Mr. Hatcher of Dallas, offered a resolution relative to the county seat of Dallas county.

Mr. Norris moved to lay it on the table. Disagreed to.

Mr. Griffin moved to refer it to the committee on County and Municipal Organizations. Agreed to.

Mr. Griffin made a motion to adjourn.

The motion was agreed to, and the Convention adjourned until Friday morning at 10 o'clock.

ROBERT BARBER, Secretary.

TENTH DAY.

MONTGOMERY, ALA., Nov. 15, 1867—10 A. M.

The Convention met pursuant to adjournment, the President in the chair.

Prayer by the Rev. Mr. Buckley of Montgomery.

The roll of members was then called and a quorum being present, the Convention proceeded to business.

The journal of yesterday's session was then read and approved.

Mr. Gardner of Butler, introduced "An Ordinance for the speedy and effective administration of justice";

And moved that the reading be waived and the ordinance referred to the committee on the Judicial department;

Which was agreed to, and the ordinance was thus referred.

Mr. Hays of Greene, introduced "An Ordinance in relation to the extension of the time for the payment of debts";

And moved that it be referred to the committee on the Judicial department.

The ordinance was read a first time.

Mr. Horton of Mobile, moved that it be laid upon the table, but afterwards withdrew his motion.

On motion of Mr. Peters of Lawrence, the ordinance was read a second time, and referred to the committee on the Judicial department.

Mr. Greene of Hale, introduced "An Ordinance concerning the issuing of license for the sale of liquors";

Which was read a first time, and on motion of Mr. Gregory of Mobile, was laid upon the table.

Mr. Robinson of Madison, introduced "An Ordinance in relation to a system of Common Schools";

Which was read a first and second time, and referred to the committee on Education and School Fund.

The committee on the removal of the Tax on Cotton, submitted the report recommitted to them, without having made any changes therein, to-wit:

HALL OF THE HOUSE OF REPRESENTATIVES,
Montgomery, Ala., Nov. 13, 1867.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled:

Having for a series of years been deprived of representation in your honorable bodies, on account of the disturbed relations between this State and the United States, and still having no representation in the Congress of the United States, *we, the people of Alabama,* being in Convention assembled, would respectfully represent:

1st. That during the period in which we have had no voice in the council of the nation, the government, for the purposes of revenue, levied a tax upon certain products and manufactures; among which was a tax of three, now reduced to two-and-a-half cents per pound, upon all cotton grown in the United States.

2d. That although the price of cotton at the time this tax was levied, was so great as to make the payment of the tax easy and not oppressive upon the producer, yet, since that time, owing to the strenuous exertions of the English government and people, the production of cotton has greatly increased in various foreign countries, until the amount produced by them largely exceeds that grown in the United States, and consequently the price of the staple has been reduced to a comparatively low figure, making the tax upon it extremely oppressive and threatening to prohibit its production in this country.

3d. That while every other article upon which a revenue tax is paid, is protected by a parellel duty upon all similar imported articles, thus enabling the producer to add the amount of tax to the price of the article, so compelling the consumer to finally pay the tax; the price of cotton is entirely controlled by a foreign market, which any amount of tax here would not effect, thus the producer is alone compelled to bear the burden of the tax, and is not enabled to share it with any other party.

4th. That the greater part of the people of our State are producers of cotton, a large majority of whom were lately released from a state of bondage, and are left utterly destitute of means of any kind, depending solely upon the proceeds of their cotton crop for subsistence, and that the present tax being twenty per cent. of the present price of cotton at their home market, is consequently a tax of twenty per cent. upon their annual income, which does not exceed an average of two hundred dollars each. We submit that no other class is so heavily taxed.

5th. That under the existing state of affairs, taking the last two years for a sample, the production of cotton here under the present tax, is an unprofitable investment for capital, therefore those who would bring capital into our State for investment in the production of this staple are deterred from so doing; and many of those who have capital employed in this way, are preparing to contract or abandon the business; thus not only greatly reducing the amount of the product, but throwing out of employment many laborers who depend almost wholly upon their labor in this crop for support.

6th. That any great decrease in the production of cotton would be a national calamity, for being our chief article of export it serves to pay much of our foreign indebtedness, which would otherwise have to be paid in coin. Therefore, if its production is reduced, the country will have to be drained of specie to the same extent, to meet our foreign demands.

7th. Although it is urged that there is nothing else in this State to tax, we respectfully submit that nearly the entire product of the cotton crop are expended for Northern products and manufactures, upon many of which is charged a government tax, and being consumers of taxed commodities, we are in the same proportion the actual tax payers. It is true that our people, being impoverished, have but few incomes to pay taxes upon, nor can they have while unfavorable legislation hinders their prosperity.

Therefore, we earnestly urge upon your honorable bodies, that justice to every class of people in our State, requires that this tax upon cotton be removed *without delay*, and that such taxes as have been collected since the first day of September, 1867, be refunded to the producers.

P. Burton, Chairman.	D. H. Bingham,
A. J. Applegate,	Alfred Buck,
C. W. Dustan,	A. W. Jones,
L. R. Smith,	N. D. Stanwood,
Arthur Bingham,	George Ely,
J. H. Autry,	Taliafero Towles,

B. O. Masterson.

Mr. Smith of Choctaw, moved that the memorial reported by the committee be adopted, and that the President of this Convention be directed to transmit a copy to the President of the Senate and the Speaker of the House of Representatives of the United States;

Which was agreed to.

Mr. Reynolds of Wilcox, moved that the memorial be printed;

Which was agreed to.

The President then announced the following committees:

Committee on Agriculture.—(As provided for by the resolution of Mr. Hurst of Coosa, adopted on the 14th inst.)

1st. Mr. Black of Bullock; 2d. Mr. Strange of Macon; 3d. Stewart of Lauderdale; 4th. Hayes of Greene; 5th. Moore of Baldwin; 6th. Kennemere of Marshall; 7th. Deal of Dale.

Committee to prepare Memorial to Congress—Setting forth the inequality of the benefits derived from the sixteenth section funds, and so forth, as provided for by the resolution of Mr. Gardner of Butler, adopted on the 14th inst.

1st. Mr. Gardner of Butler; 2d. Mr. Silsby of Dallas; 3d. Mr. Horton of Mobile; 4th. Mr. Norris of Elmore; 5th. Mr. McLeod of Marengo.

The special order of the day, to-wit: The resolution offered by Mr. Peters of Lawrence, on Monday the 11th inst. (and then postponed to Wednesday the 13th, and again postponed until to-day,) providing for the appointment of a committee of thirteen to inquire into the expediency of removing the seat of government from Montgomery—was then taken up.

Mr. Graves of Perry, moved to lay the resolution upon the table, and called for the yeas and nays, which were ordered—and being taken up, resulted as follows:

YEAS—Messrs. President, Alexander of Autauga, Bingham of Talladega, Black, Blandon, Brainard, Bronson, Buck, Buckley of Montgomery, Cabot, Deal, Ely, Falmer, Finley, Gardner, Graves, Greathouse, Hurst, Horton, Howard, Jolly, Keffer, Lore, McLeod, Martin, Moore, Norris, Plowman, Russell of Barbour, Russell of Tallapoosa, Semple, Stanwood, Towles—33.

NAYS—Messrs. Adams, Applegate, Alexander of Greene, Austin, Autry, Bingham of Limestone, Blackford, Burdick, Burton, Carraway, Collins, Coon, Davis, Diggs, Dykes, Garrison, Greene, Gregory, Griffin, Hatcher, Haughey, Hayes, Inge, Jackson, Johnson of Russell, Jones of Conecuh, Jones of Madison, Kennemere, McGown, Mahan, Masterson, Morgan, Maston, Peters, Rapier, Reynolds, Robinson, Rolfe, Royal, Saffold, Simmons, Skinner, Smith, Springfield, Speed, Stewart, Stow, Strother, Walker of Jefferson, Walker of Shelby, Whitney, Wilhite—52.

Mr. Peters of Lawrence, moved to refer the resolution to a special committee of thirteen;

Which was agreed to.

The President then announced the special committee, upon the question of the removal of the seat of government, to-wit: Chairman, Mr. Thomas M. Peters; 1st. district, Keffer, Coon; 2d. district, Semple, Gardner; 3d. district, H. Bingham, Strange; 4th. district, W. A. Walker, Mahan; 5th. district, Collins, Dykes; 6th. district, Morton, Simmons.

The special order of the day, to-wit: The ordinance introduced by Mr. Keffer of Montgomery, on Wednesday, the 13th instant, to-wit: "An Ordinance to protect Electors";

Was then taken up and read a second time and ordered to be engrossed for a third reading, on Saturday, the 16th inst.

The special order of the day, to-wit: "An Ordinance to establish the new county of Jones, formed and established by the last General Assembly of the State"—reported by the Convention on County and Municipal Organizations, on Thursday, the 19th, and recommended for adoption;

Was then taken up and the ordinance read a third time.

Mr. Semple of Montgomery, moved to lay the ordinance on the table.

Mr. Wilhite of Winston, demanded the yeas and nays, but withdrew his motion.

The motion of Mr. Semple of Montgomery, was then rejected;

And the question recurring upon the passage of the ordinance, it was passed.

Mr. Peck desired to explain his vote. He said: I wish the friends of this bill to understand me, that I am not opposed to the bill upon its merits. It is a good ordinance, and one which, if we were in a legislative body, I would, without any hesitation, vote for, but under the peculiar circumstances of this isolated case, I am determined to vote for it any how. But I wish to state the reasons of this vote. I think it is the wisdom of this Convention to avoid, as much as possible, all legislation. We are here to make a Constitution. Let that Constitution go before the people without being encumbered by any other issue, that may get before the people either rightfully or wrongfully. Some gentlemen think our ordinances will have to be submitted for the ratification of the people as well as the Constitution: In my opinion, this is a mistake. Nothing will go to the people except the Constition we will make. Others think the ordinances can never be altered or repealed, except by a body of equal dignity with ourselves, that is, by a Convention of the people of the State. If this be true, it shows, beyond all controversy, the great caution that we should observe in legislating. If the ordinances and laws we make are to stand in spite of legislative action, and never to be altered or repealed, without the call of a Convention, we certainly should be very careful. I think, however, the gentlemen are mistaken on that. Before the Convention adjourns, a short ordinance can be passed declaring that the ordinances passed by the Convention shall be repealed by the Legislature. I vote for the ordinance because, if we postpone it, and leave it for the Legislature, when they convene, the friends of the country will make capital to prevent it being abolished by making contracts to erect buildings, and raising money for the purpose of paying for them, thus subjecting the people to more hardships. For this reason I vote aye on the passage of the ordinance.

Mr. Cabot of Elmore, moved to take from the table, the report of the committee on County and Municipal Organization, (which had been tabled and ordered printed on Nov. 14th,) and that it be accepted and referred to the committee on the Constitution.

Mr. Dustan of Marengo, moved to amend by striking out "600" and inserting "400" square miles.

Mr. Morgan of Wilcox, moved to amend as follows:

"That no county shall be divided having less than twenty thousand inhabitants."

Mr. Blackford of Hale, moved to lay the amendment of Mr. Morgan upon the table;

Which was agreed to.

Mr. Garrison of Blount, moved to lay the amendment of Mr. Dustan of Marengo upon the table;

Which was agreed to.

Mr. Burton of Marengo, offered the following amendment by striking out the words, "of less extent than 600 square miles, nor shall any existing county be reduced to less than 600 square miles, and no new county shall be formed."

Mr. Coon of Dallas, moved to lay the report upon the table, and make it the special order of the day for Tuesday, November 19th, at 11 o'clock, A. M;

Which was agreed to.

Mr. Saffold of Dallas, moved to adjourn until 10 A. M. to-morrow, but withdrew his motion.

On motion of Mr. Austin of Jackson,

The Convention adjourned until to-morrow, the 16th inst., at 10 A. M.

ELEVENTH DAY.

SATURDAY, Nov. 16, 1867—10 A. M.

The Convention met pursuant to adjournment, the President in the chair.

Prayer was offered by the Rev. Mr. Greathouse of Tallapoosa.

The roll of members was then called, and a quorum being present, the Convention proceeded to business.

The journal of the previous session was read and approved.

The districts were called for the introduction of ordinances and petitions.

Mr. Peters of Lawrence, offered the following resolution:

Resolved, That the several committees appointed by this body, not including the committee on Constitution, be instructed to report finally by Wednesday next, upon the subjects referred to them, with a view to an adjournment as early as Monday, Nov. 25th, and the appointment at that time of an election upon the question of ratification of the Constitution to be presented by this Convention;

Which was adopted.

Mr. Peters of Lawrence, on leave, offered the following resolution:

Resolved, That the President appoint a committee of six on enrolled ordinances;

Which was adopted.

And in accordance therewith, the President announced as the "Committee on Enrolled Ordinances," Messrs. Peters of Lawrence, Semple of Montgomery, Miller of Lowndes, Skinner of Franklin, Keffer of Montgomery, Smith of Choctaw.

Mr. Keffer of Montgomery, was granted leave to offer the following preamble and resolutions:

WHEREAS, after establishing and securing equal and just rights of every citizen of the State, the next policy in importance, is to advance the material condition of the whole people; and

Whereas, Internal Improvement has been the acknowledged means of invigorating development, stimulating production, inviting population, and creating wealth; and

Whereas, Bills are now before Congress, proposing to inaugurate a national system of cheap freight railway on a greatly improved basis; therefore,

Resolved, That this Convention heartily approve of the principles and plan of the Congressional Bills introduced into the Senate of the United States by Senators Henderson of Missouri, Harlan of Iowa, and Nye of Nevada; and further, That we recommend the proposed National System to the attention and approval of the people of the State of Alabama.

Resolved, That while the State of Alabama possesses natural resources, in an extraordinary degree, our development has hitherto been meager, in comparison with other States; that we ascribe the deficiency of production of this State, to the consequences of the slave system, or monopoly of labor; that we regard the monopoly principle in transportation on our commercial thoroughfares *as injurious* to any commonwealth, as slavery has heretofore proved to the southern section of the United States.

Resolved, That the Congressional Bills now pending before the Senate committee, enforce the best plans yet devised and promulgated to promote public economy and common thrift of the people, and in the opinion of this Convention, should be adopted at an early day.

And moved their reference to a special committee.

The resolutions were adopted, and in compliance therewith, the President appointed as the committee. Messrs. Keffer of Montgomery, Griffin of Mobile, Peters of Lawrence, Davis of Randolph, Blackford of Hale.

Mr. Cabot of Elmore, introduced "An Ordinance for the relief of Elenor M. Bross," and moved that it be read a first and second time, and referred to the committee on Ordinances;

Which was agreed to, and the ordinance referred.

Mr. Mahan of Bibb, introduced "An Ordinance in relation to the Nitre and Mining Bureau";

Which was read a first and second time, and referred to the committee on Ordinances.

Mr. Steed of Cleburne, introduced "An Ordinance to change the name of Cleburne county to Lincoln";

Which was read a first and second time.

Mr. Peters of Lawrence, moved that it be engrossed and made a special order for Monday, the 18th inst.

Mr. Griffin of Mobile, moved to lay the ordinance on the table.

Mr. Peters demanded the yeas and nays, which being ordered and taken, resulted as follows:

YEAS—Messrs. President, Alexander of Autauga, Blackford, Blandon, Buck, Cabot, Deal, Falmer, Graves, Greathouse, Griffin, Hayes, Hurst, Horton, Howard, Jackson, Jolly, Johnson of Russell, Jones of Conecuh, Lee, McGown, Martin, Meadors, Moore, Norris, Rapier, Russell of Tallapoosa, Smith, Stewart, Stow—30.

NAYS—Messrs. Adams, Applegate, Austin, Autry, Alexander of Greene, Brainard, Bingham of L., Brunson, Bingham of T., Buckley of Montgomery, Carraway, Collins, Coon, Diggs, Dustan, Ely, Ewing, Finley, Gardner, Garrison, Greene, Gregory, Hatcher, Haughey, Inge, Johnson of Henry, Jones of Madison, Keffer, Kennemere, Latham, Lore, Mahan, McLeod, Masterson, Miller, Morgan, Morton, Peters, Plowman, Reynolds, Robinson, Royal, Rolfe, Russell of Barbour Saffold, Simmons, Skinner, Springfield, Steed, Strange, Towles, Whitney, Wilhite, Walker of Jefferson, Walker of Shelby—55.

And the motion was lost.

Mr. Keffer of Montgomery, moved that the ordinance be referred to the committee on Ordinances, with instructions to report it so amended as to change the names of all counties named in glorification of the rebellion, and those engaged in it.

Mr. Howard of Crenshaw, called for the yeas and nays on the adoption of the resolution.

Mr. Burton of Marengo, moved to amend the resolution by instructing the committee to inquire into the expediency of changing the names as aforesaid.

The motion was rejected;

And the yeas and nays being ordered on the adoption of Mr. Keffer's resolution, resulted as follows:

YEAS—Messrs. Adams, Austin, Applegate, Autrey, Bingham of L., Bingham of Talladega, Blackford, Brainard, Buck, Diggs, Buckley of Montgomery, Carraway, Collins, Coon, Davis, Ely, Ewing, Finley, Gardner, Garrison, Greene, Gregory, Griffin, Hatcher, Haughey, Horton, Inge, Jackson, Johnson of Henry, Johnson of Russell, Jones of Madison, Keffer, Kennemere, Latham, Lore, McGown, Mahan, Masterson, Miller, Norris, Peters, Plowman, Rolfe, Royal, Russell of Barbour, Saffold, Simmons, Skinner, Springfield, Steed, Strange, Strother, Towles, Walker of J., Walker of S., Whitney, Wilhite—57.

NAYS—Messrs. President, Alexander of Autauga, Alexander of Greene, Black, Blandon, Bronson, Burton, Cabot, Deal, Dustan, Dykes, Falmer, Graves, Greathouse, Hayes, Hurst, Howard, Jones of Conecuh, Jolly, Lee, McLeod, Martin, Meadors, Moore, Morgan, Morton, Reynolds, Russell of Tallapoosa, Smith, Speed, Stewart, Stow, Wheelan—33.

The resolution was adopted, and the ordinance referred.

Mr. Stewart of Lauderdale, introduced "An Ordinance to secure the rights of married women in Alabama";

Which was read a first and second time, and referred to the committee on the Judicial department.

Mr. Simmons of Colbert, introduced "An Ordinance to change the name of the county of Colbert in this State."

Be it ordained by the people of Alabama in Convention assembled, That the county named Colbert, in this State, be hereafter called the county of Brownlow.

Mr. Graves of Perry, moved to lay the ordinance on the table.

Mr. Haughey of Morgan, called for the yeas and nays on the question of laying on the table.

Which were ordered, and being taken, resulted as follows:

YEAS—Messrs. President, Adams, Alexander of Autauga, Alexander of Greene, Applegate, Austin, Bingham of Talladega, Black, Blackford, Blandon, Brainard, Bronson, Buckley of Montgomery, Burton, Cabot, Carraway, Collins, Coon, Davis, Deal, Diggs, Dustan, Dykes, Ewing, Falmer, Finley, Gardner, Garrison, Graves, Greathouse, Greene, Gregory, Griffin, Hatcher, Hayes, Hurst, Horton, Howard, Inge, Jackson, Johnson of Henry, Johnson of Russell, Jones of Conecuh, Jones of Madison, Keffer, Kennemere, Latham, Lore, McGown, Mahan, McLeod, Martin, Meadors, Miller, Moore, Morgan, Norris, Peters, Plowman, Rapier, Reynolds, Robinson, Rolfe, Royal, Russell of Tallapoosa, Saffold, Semple, Speed, Stewart, Stow, Strange, Strother, Walker of Jefferson, Walker of Shelby, Wheelan, Whitney—76.

NAYS—Messrs. Autry, Bingham of Limestone, Haughey, Lee, Morton, Russell of Barbour, Simmons, Skinner, Smith, Springfield, Steed, Wilhite—12.

Mr. Keffer of Montgomery, moved to suspend the special order of the day, to allow the presentation of reports from standing committees;

Which was agreed to.

Mr. Miller of Lowndes, from committee on Executive Department submitted a report, and moved that it be tabled and printed with proceedings of the day; which was agreed to.

Mr. Blackford of Hale, from same committee, submitted a minority report, to-wit:

To the President and Members of the Constitutional Convention:

Gentlemen: The undersigned members of the committee on Executive Department, being unable to agree with the majority of the committee, in relation to the length of the official term, beg leave to report that we think the term of two years entirely too short, and recommend that the term of office of Governor, Lieutenant Governor, and other State officers be six instead of two years, as recommended by the majority of the committee.

Respectfully submitted. W. L. Blackford,
Jas. M. Jackson,
Committee.

Mr. Griffin of Mobile, moved that it be tabled and printed with the proceedings of the day.

Mr. Semple of Montgomery, from the committee on the Judicial department submitted a report, which was ordered tabled and printed with the proceedings.

Mr. Coon of Dallas, from the committe on the Militia, submitted a report as an Article of the Constitution, which was ordered tabled and printed with the proceedings of the day.

Mr. Keffer of Montgomery, from the committee on Elections, submitted a report, and requested it to be tabled, and not printed;

Which was agreed to.

Mr. Keffer of Montgomery, moved that the special order of the day, viz: "The Ordinance to protect Electors," introduced on Wednesday, Nov. 13th, 1867, be taken up.

The ordinance was then read.

Mr. Russell of Barbour, offered the following amendment, as an addition to the first section:

"That no intoxicating liquor shall be sold or given away within five miles of any voting precinct on the day of the election";

Which was agreed to.

Mr. Ewing of Baine, offered the following amendment, to be entitled a third section:

Sec. 3. All votes shall be given by ballot.

Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during the attendance at elections and in going to and returning from the same, and no elector shall be obliged to do road duty on the days of election; which was adopted.

Mr. Dustan of Marengo, moved to strike out of the amendment of Mr. Ewing, the words "no elector shall be obliged to do militia duty on the day of election;"

Which was agreed to.

Mr. Griffin of Mobile, then moved a reconsideration of the vote, by which the amendment of Mr. Russell of Barbour, had been adopted.

The motion was agreed to.

Mr. Wheelan of Hale, then moved to strike out from the amendment the words "given away."

Mr. Griffin of Mobile, then moved to lay the amendment to the 1st Section (offered by Mr. Russell of Barbour,) and the amendment of Mr. Whelan to that amendment, on the table;

Which was agreed to.

Mr. Saffold of Dallas, offered an amendment to the 2d section, to-wit: By adding "or shall be fined not exceeding two thousand (2,000) dollars, or imprisoned in the county jail not exceeding six months, at the discretion of the jury trying the same;"

Which was agreed to.

Mr. Strange of Macon, moved to lay the ordinance and amendments upon the table.

Mr. Bingham of Limestone, demanded the yeas and nays on the motion; which were ordered, and being taken, resulted as follows:

YEAS—Messrs. President, Adams, Alexander of Autauga, Austin, Bronson, Buck, Burdick, Cabot, Deal, Gardner, Graves, Greathouse, Hayes, Hurst, Horton, Howard, Jackson, Johnson of Russell, Jolly, Jones of Conecuh, Lee, McGown, Mahan, Martin, Miller, Morgan, Norris, Plowman, Russell of Barbour, Russell of Tallapoosa, Saffold, Semple, Silsby, Smith, Speed, Stewart, Stow, Strange, Towles, Walker of Jefferson, Whelan—41.

NAYS—Alexander of Greene, Applegate, Autrey, Bingham of Limestone, Black, Blackford, Brainard, Buckley of Montgomery, Burton, Carraway, Collins, Coon, Diggs, Dustan, Dykes, Ewing, Folmar, Finley, Garrison, Green, Gregory, Griffin, Hatcher, Haughey, Inge, Johnson of Henry, Jones of Madison, Keffer, Kennemere, Lore, McLeod, Masterson, Moore, Morton, Peters, Rapier, Reynolds, Robinson, Rolfe, Royal, Simmons, Skinner, Springfield, Steed, Strother, Walker of Shelby, Whitney, Wilhite—49;

And the motion to lay upon the table was therefore rejected.

Mr. Graves of Perry, offered an amendment to the 2d section of the Ordinrnce, to-wit: Strike out all relating to punishment and insert "in the county jail for one month, or fined fifty dollars."

Mr. Griffin of Mobile, moved to lay the amendment on the table;

Which was agreed to.

And the Ordinance was then ordered to be engrossed and read a third time on Monday next.

Mr. Morgan of Wilcox, from committee on Representation, returned the petition of citizens of Marengo and Hale for formation of county of Arcola, and requested its reference to committee on County and Municipal Organizations.

Which was agreed to and the petition accordingly referred.

Mr. Horton of Mobile, offered the following resolution:

Resolved, That the special business for which this Convention has been convened is the formation of a Constitution for the State of Alabama, republican in form, and in harmony with the principles and requirements of the reconstruction acts of Congress, and until that work has been accomplished, all local or purely legislative matters be henceforth excluded from the deliberation of this body.

Mr. Springfield of St. Clair, moved to lay the resolution upon the table.

Mr. Haughey of Morgan, offered the following as a substitute:

Resolved, That it is the sense of this Convention that all legislation for county or private purposes not necessarily connected with the framing of a Constitution and civil government for the State, is inexpedient and foreign to the object for which this Convention was called.

Mr. Norris of Elmore, called for the yeas and nays; which being ordered and taken, resulted as follows:

AYES—Adams, Alexander of Greene, Applegate, Austin, Black, Blackford, Brainard, Bronson, Burton, Carraway, Collins, Ewing, Gardner, Garrison, Greathouse, Greene, Gregory, Griffin, Hayes, Lee, Moore, Morton, Peters, Plowman, Rapier, Russell of Barbour, Simmons, Skinner, Springfield, Steed, Towles, Walker of Jefferson, Walker of Shelby, Whelan, Whitney, Wilhite—36.

NAYS—Alexander of Autauga, Blandon, Buck, Buckley of Montgomery, Burdick, Cabot, Coon, Davis, Deal, Diggs, Dykes, Falmer, Finley, Graves, Hatcher, Haughey, Hurst, Horton, Howard, Inge, Jackson, Johnson of Henry, Johnson of Russell, Jolly, Jones of Conecuh, Jones of Madison, Keffer, Kennemere, Latham, Lore, McGown, McLeod, Masterson, Miller, Morgan, Norris, Reynolds, Robinson, Rolfe, Russell of Tallapoosa, Silsby, Smith, Speed, Stewart, Stow, Strother—46.

Mr. Morgan of Wilcox, moved the previous question on sustaining the rule; a division was called, and the motion was not agreed to.

Mr. Springfield of St. Clair, moved an indefinite postponement of the whole subject;

On which motion a division was called for and stood—ayes 53; nays not counted.

Mr. Applegate of Madison, introduced an ordinance to abolish the new county of Colbert, formed and established by the last General Assembly of this State;

Which was read a first and second time and referred to the committee on Ordinances.

Mr. Strange of Macon, from committee on Ordinances, asked leave for the committee to sit during the session of the Convention;

Which was granted.

Mr. Peters of Lawrence, moved to adjourn to Monday, 18th inst., 10 a. m.

Mr. Morgan of Wilcox, moved io adjourn to 3 p. m. to-day.

The motion of Mr. Peters prevailed, and the Convention adjourned to 10 a. m., Monday, 18th.

TWELFTH DAY.

MONDAY, Nov. 18, 1867—10 A. M.

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by the Rev. Mr. Russell of Tallapoosa.

The roll was called and a quorum being present, the Convention proceeded to business.

The journal of the previous session was read and approved.

Mr. Griffin of Mobile, (upon leave,) offered the following resolutions:

Resolved, That until otherwise ordered, the Convention shall assemble at 10 o'clock, a. m., adjourn at 1½ o'clock, p. m., and convene again at 7½ o'clock, p. m.

Resolved, That until Thursday next, the call of the Convention for ordinances and petitions be dispensed with; *Provided*, That members of the Convention may furnish the Secretary with such ordinances and petitions as they wish to present before that day, and with the names of the committees to which they wish them referred, and he shall cause the same to be printed in the proceedings of the Convention.

Resolved, That after to-day, no member shall speak more than once, nor longer than ten minutes upon any question connected with the Franchise, without unanimous consent.

On the question of their adoption, the first resolution was agreed to.

Mr. Peters of Lawrence, moved to amend the second resolution, by striking out the word "provided;"

Which was agreed to, and the resolution as amended, was adopted.

The third resolution was also adopted.

Mr. Bingham of Limestone, from the Committee on the Judicial Department, presented the following report:

The Judiciary Committee, to whom was referred an ordinance to restore to widows and orphans their rights in property of which they had been wrongfully divested during the rebellion; and also, an amendment to the Constitution, to empower Courts of Chancery to determine, on principles of Equity, settlements of estates had since 1861, have had the same under consideration, and instruct them to report an ordinance to allow widows, orphans and others to review the validity of sales and settlement of estates made by guardians, trustees, &c., and moved that the rules be suspended, and the ordinance be read a third time and put upon its final passage;

Which motion was rejected.

The ordinance was then ordered engrossed and read a third time on to-morrow, the 19th instant.

Mr. Bingham of Limestone, from the Committee on the Judicial Department, (by leave,) reported an ordinance relating to marriages between freedmen and freedwomen, and moved that the rules be suspended, and the ordinance engrossed and read a third time, and put upon its final passage;

Which motion was rejected.

The ordinance was then ordered engrossed and read a third time, on to-morrow, the 19th instant.

Mr. Haughey of Morgan, from Committee on Judicial Department, reported back an ordinance, (which had been introduced on Wednesday, the 15th instant, and referred to that Committee,) granting new trials at law and equity, and in the Courts of Probate, and recommended its passage.

It was ordered to be engrossed and read a third time, on Tuesday, the 19th instant.

Mr. Saffold of Dallas, from Committee on Judicial Department, reported back on ordinance to declare void certain judgments, and to grant new trials in certain cases therein mentioned, adversely to the first section thereof, with the recommendation that it be struck out;

Which was agreed to, and the ordinance was ordered to be engrossed and read a third time on Tuesday, November 19th.

Mr. Semple of Montgomery, from Committee on Judicial Department, reported back a resolution referred to that Committee, instructing them to enquire into the expediency of there being incorporated into the Bill of Rights, an ordinance abolishing and removing all laws, regulations or customs, heretofore or at present existing, wherein distinctions are made on account of caste, color, or former condition of servitude, with the request that it be referred to the Committee on Preamble and Bill of Rights, and they discharged from a farther consideration of the subject ;

Which was agreed to, the resolution referred, and the Committee discharged.

Mr. Semple of Montgomery, from Committee on Judicial Department, reported back the ordinance referred some days ago, giving laborers a lien on the crops, and all other personal property of the employers, for the payment of wages or other rewards due for services rendered, and submitted that as the provisions of this ordinance had already been carried into effect by military authority, they be discharged from its further consideration ;

Which was agreed to, and the committee discharged.

Mr. Semple of Montgomery, from Committee on Judicial Department, reported back an ordinance to maintain the faith and credit of Alabama inviolate, and for other purposes, (introduced on November 4th and referred to that committee,) and submitted that part of the subject matter therein had been acted on by the Committee on Finance and Taxation, and requested that it be referred to the Committee on Preamble and Bill of Rights, and they be discharged from its further consideration ;

Which was agreed to, and the committee discharged.

Mr. Semple of Montgomery, from Committee on Judicial Department, reported back an ordinance to regulate new trials, (introduced on the 14th instant,) and submitted that as its subject matter had been acted upon in the general report of the committee, they be discharged from the further consideration of the subject;

Which was agreed to, and the committee discharged.

Mr. Semple of Montgomery, from Committee on Judicial Department, reported back an ordinance to establish Probate

Courts for granting letters testamentary, &c., (introduced on the 14th instant,) and submitted that as its subject matter had been acted upon in the general report of the committee, they be discharged from its further consideration ;

Which was agreed to, and the committee discharged.

And also made the same report concerning an ordinance regulating the appointment of Supreme, Circuit, and Probate Court Judges, and asked the same order ;

Which was granted.

And also made the same report concerning a resolution providing for the election of State officers, &c., and asked the same order ;

Which was granted.

Mr. Speed of Perry, from Committee on Judicial Department, reported back an ordinance to enable guardians to educate their wards, and give them the benefit of a professional education, and recommended its passage.

The ordinance was ordered to be engrossed and read a third time on Tuesday, the 19th instant.

Mr. Morgan of Wilcox, from Committee on Representation, submitted a report, which was laid upon the table and ordered printed.

Mr. Peters of Lawrence, from the Committee on Finance and Taxation, submitted a report as an Article of the Constitution :

ARTICLE —. TAXATION.

SECTION —. All taxes levied on property in this State, shall be assessed in exact proportion to the value of such property: *Provided, however*, That the General Assembly may levy a poll tax not to exceed one dollar and fiftycents on each poll, which shall be applied exclusively in aid of the Public School Fund, and recommended its adoption.

The report was tabled and ordered printed.

Mr. Griffin of Mobile, moved that the special orders of the day be suspended until all standing committees have reported;

Which was agreed to.

Mr. Peters of Lawrence, from the Committee of Ways and Means, submitted the following report and accompanying ordinance in relation to the pay and mileage of delegates, pay of officers of the Convention, and for other purposes:

The Committee on Ways and Means, to which was referred an ordinance in relation to the pay and mileage of delegates, pay of officers of the Convention and for other purposes, have had the same under consideration, and instruct me to report, that they have amended said ordinance by making the pay of the Sergeant-at-Arms, eight dollars a day instead of six dollars a day, as in the original ordinance, and by making the pay of the messengers and pages of the Convention three dollars a day, instead of two dollars a day, and that the sum of forty thousand dollars be appropriated instead of fifty thousand dollars, as in the original ordinance, and recommend the adoption of the ordinance as amended.

THOS. M. PETERS, Chairman, (*pro tem,*)

"An ordinance in relation to the pay and mileage of delegates, pay of officers of the Convention, and for other purposes.

SECTION 1. *Be it ordained by the People of the State of Alabama in Convention assembled,* That the President of the Convention receive ten dollars per diem: Delegates, each eight dollars; Secretary, eight dollars; Assistant Secretaries, Enrolling Clerk, and Engrossing Clerk, each six dollars; Door-keeper, four dollars; Sergeant-at-Arms, eight dollars; Pages and Messengers, three dollars each. The President and members to receive eight dollars for every twenty miles travel in going to and returning from the seat of government to the seat of justice in the counties of their residence, computing the distance according to act of the Legislature of 1859 and 1860, page 23.

SEC. 2. *Be it further ordained,* That the sum of forty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the pay of members and officers of the State Convention now in session at Montgomery, and for all necessary expenses connected therewith, and the Comptroller of Public Accounts is hereby authorized to draw his warrant on the State Treasurer for the sums herein appropriated."

Mr. Reynolds of Wilcox, moved to strike out the word "eight" wherever it occurs in the report and accompanying ordinance, and insert "six," pending which,

Mr. Norris of Elmore, moved to strike out "three," and substitute "four" dollars per diem, for the pay of messengers and pages;

Which was agreed to.

Mr. Norris of Elmore, demanded the yeas and nays on the motion of Mr. Reynolds:

YEAS—Messrs. Austin, Bingham of Talladega, Buck, Buckley of Montgomery, Burdick, Burton, Cabot, Davis, Deal, Dustan, Ely, Ewing, Falmer, Graves, Greathouse, Griffin, Howard, Jolly, Jones of Conecuh, Keffer, Lore, Miller, Morgan, Norris, Reynolds, Russell of Tallapoosa, Saffold, Semple, Smith, Speed, Stanwood, Stewart, Stow, Whelan, Yordy—35.

NAYS—Mr. President, Messrs. Adams, Alexander of Autauga, Alexander of Greene, Applegate, Autry, Bingham of Limestone, Black, Blackford, Blandon, Brainard, Brunson, Buckley of Lowndes, Carraway, Collins, Diggs, Dykes, Finley, Garrison, Green, Gregory, Hatcher, Haughey, Hays, Horton, Hurst, Inge, Johnson of Henry, Johnson of Russell, Jones of Madison, Kennamere, Latham, Lee, McGown, Mahan, McLeod, Martin, Masterson, Moore, Morton, Peters, Plowman, Rapier, Robinson, Rolfe, Russell of Barbour, Royal, Strange, Steed, Strother, Skinner, Springfield, Simmons, Towles, Walker of Jefferson, Walker of Shelby, Whitney, Wilhite—57.

And the motion was therefore rejected.

Mr. Norris of Elmore, moved to amend by making the pay of Assistant Secretaries, and Enrolling and Engrossing Clerks, "eight" dollars, instead of "six" per diem;

Which was rejected.

Mr. Norris of Elmore, moved to amend, by striking out "eight" dollars and inserting "five" dollars in relation to mileage.

Mr. Springfield of St. Clair, moved to lay the amendment on the table;

Which was agreed to.

Mr. Semple of Montgomery, moved to amend by striking out the word "eight" in relation to mileage, and inserting "four," and called for the yeas and nays:

YEAS—Messrs. Alexander of Autauga, Bingham of Limestone, Buck, Buckley of Lowndes, Burdick, Burton, Cabot, Collins, Coon, Dykes, Davis, Dustan, Ely, Folmar, Graves, Greathouse, Griffin, Hurst, Horton, Howard, Jackson, Jones of Conecuh, Lore, Miller, Morgan, Norris, Reynolds, Russell of Tallapoosa, Saffold, Semple, Smith, Speed, Stewart, Stow, Silsby, Yordy—36.

NAYS—Mr. President, Messrs. Adams, Austin, Alexander of Greene, Applegate, Autry, Black, Blackford, Blandon, Brainard, Brunson, Buckley of Montgomery, Carraway, Diggs, Finlay, Garrison, Green, Gregory, Hatcher, Haughey, Hays, Inge, Jolly, Johnson of Henry, Johnson of Russell, Jones of Madison, Keffer, Kennemere, Latham, Lee, McGown, Mahan, Martin, McLeod, Masterson, Moore, Morton, Peters, Plowman, Rapier, Robinson, Royal, Simmons, Skinner, Springfield, Steed, Strother, Towles, Walker of Jefferson, Walker of Shelby, Whelan, Whitney, Wilhite—53.

The motion was therefore rejected, and the ordinance was ordered to be engrossed and read a third time to-morrow, the 19th instant.

Mr. Buckley of Montgomery, from the Committee on Public Institutions, submitted the following report:

Mr. President:—Your Committee on Public Institutions, beg leave to submit the following report:

They have carefully enquired into the origin, the present condition and arrangement of those institutions. It is found that they have been created by law, and are supported by appropriate legislation. The committee have also studied into the wants of the inhabitants of the State, and have unanimously agreed that under the new Constitution, guaranteeing the rights of all classes, this whole subject can be safely left to subsequent legislation. Your committee more cheerfully concur in this, as they are unwilling to encumber the action of this body with the consideration of topics more properly belonging to the General Assembly. By mutual understanding between this and the Committee on Schools and School Fund, the latter, with great propriety, take cognizance of the State University, as far as its interests demand the attention of this Convention.

C. W. BUCKLEY, Chairman.
T. J. RUSSELL,
THOS. ADAMS,
BENJ. F. ROLFE,
BENJ. INGE,
COLUMBUS JONES,
JNO. L. ALEXANDER.

Which was accepted and ordered printed.

The consideration of the report of the Committee on Elective Franchise then being resumed;

Mr. Haughey of Morgan, presented a substitute for the report of the majority committee on the Elective Franchise, which he asked to have laid on the table and printed:

ARTICLE.

SECTION 1. Every male citizen of the United States, of whatever color, race, or previous condition, and every male person who has legally declared his intention to become a citizen of the United States, twenty-one years old and upwards, who shall have resided in this State six months next preceding the election, and three months in the county in which he offers to vote, shall be deemed a qualified elector; *Provided*, that no soldier, sailor or marine, in the military or naval service of the United States, shall acquire a residence by reason of being stationed on duty in this State.

SEC. 2. It shall be the duty of the General Assembly to provide, from time to time, for the registration of all electors, but the following persons shall not be permitted to vote, register, or hold office.

SEC. 3. Those who, during the late rebellion, inflicted, or caused to be inflicted, any cruel or unusual punishment upon any soldier, sailor, or marine, an employee in the service of the United States, or in any way violated the rules of civilized warfare.

SEC. 4. Those who have been convicted of felony against the State, or the United States, or having personally taken an oath as a member of Congress, or as a member of any State Legislature, or as an officer of any State or the United States, or as an Executive or Judicial officer of any State or the United States, and shall thereafter have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.

SEC. 5. Those who having registered in accordance with the provisions of an act of Congress, entitled "An act to provide for the more effectual government of the rebel States," passed March 2d, 1867, and the acts supplemental thereto, shall refuse to vote either for or against the ratification of this Constitution: *Provided*, That no person shall be disfranchised by this clause, whose failure to vote was caused by circumstances which he could not control; *Provided, further*, That the General Assembly shall have power to remove disability incurred by such failure to vote.

REGISTRATION OATH.

SEC. –. I, A. B., do solemnly swear, in the presence of Almighty God, that I am a citizen of the State of Alabama; that I have resided in the State six months next preceding this day, and during the last three months in the county of ——, that I am twenty-one years old, and that I have not been disfranchised for participation in the rebellion, or civil war against the United States, nor for felony against the laws of any State, nor of the United States; and that I have never taken an oath as a member of the Congress of the United States, or as a member of any State Legislature, as an officer of any State or of the United States, or as an Executive or Judicial officer of any State, or of the United States, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States; or given aid or comfort to the enemies thereof; and that I accept the civil and political equality of all men, without regard to color, race or previous condition, and will resist, to the extent of my abilities, any and all attempts to restrict or abridge the same, and that I will faithfully support the Constitution and obey the laws of the United States, and the Constitution and laws ot the State of Alabama, and will, to the extent of my ability, encourage others to do so; that I take this oath freely, without mental reservation or evasion. So help me God.

Which was tabled and ordered printed.

Mr. Griffin moved that all ordinances, the 3d reading of which were special orders of the day, be suspended;

Which was agreed to.

Mr. Applegate of Madison, offered the following as a substitute for the article reported by the majority of the committee on Franchise:

ARTICLE.

SEC. 1. Every male citizen of the United States, without regard to race, color or previous condition, and every male person, who has legally declared his intention to become a citizen of the United States, twenty-one years old, or upwards, who shall have resided in this State six months next preceding the election, and three months in the county in which he offers to vote, except as hereinafter provided in section 2, shall be deemed an elector, in any State, county, municipal or other election; *Provided*, That no soldier, sailor or marine in the military or naval service of the United States, shall acquire a residence by reason of being stationed on duty in this State.

SEC. 2. The following classes of persons shall not be permitted to register, or vote in this State: Those who voluntarily participated in the recent rebellion against the United States, or who gave aid and comfort to said rebellion, or who have been convicted of treason, perjury, bribery, forgery, embezzlement of public funds, malfeasance in office or felony at common law; or who are disfranchised under the Constitutional Amendment, known as the 14th article, and the act of Congress, passed March 2d, 1867; *Provided*, That no person shall be disfranchised for participation in the rebellion, who has materially aided in restoring the State to her proper relations in the Union, under the reconstruction laws of the 39th and 40th Congress.

SEC. 3. No persons except those designated as electors, by the terms of section 1 and 2, of this article, shall hereafter vote at any election in this State.

SEC. 4. It shall be the duty of the first Legislature assembled under this Constitution, to provide by law, for carrying the foregoing provisions of this article into full force and effect.

Which was tabled and ordered printed with proceedings.

Mr. Peters of Lawrence, offered the following as a substitute for the article reported by the majority of the committee on Franchise:

SEC. 1. Every male citizen of the United States, and every male person, who has legally declared his intention to become a citizen of the United States, twenty-one years old, or upwards, who shall have resided in this State six months next preceding the election, and three months in the county in which he offers to vote, shall be deemed an elector; *Provided*, That no soldier, sailor or marine in the military or naval service of the United States, shall hereafter acquire a residence by reason of being stationed on duty in the State.

SEC. 2. But the existing political disability imposed by laws of Congress upon persons resident in this State, for participation in the late rebellion, shall continue in force, except as to such persons as shall declare upon oath, that they are in favor of the reconstruction and restoration of this State to the Union under the existing laws of Congress, and except those who may be relieved by the General Assembly of this or the Congress of the United States;

Which was tabled and ordered printed with the proceedings.

Mr. Rapier of Lauderdale, offered an amendment as a substitute for the article reported by the majority of the Franchise Committee:

ARTICLE —.

SEC. 1. Every male citizen of the United States, and every male person twenty-one years old and upward, who shall have been a resident of this State six months at the time of the ratification of this Constitution, and every male person who has legally declared his intention to become a citizen of the United States, who shall have resided six months in the State next preceding the election, and three months in the county in which he may offer to vote, shall be entitled to vote at all elections which are now, or may be hereafter sustained by law; *Provided*, That no soldier, sailor, marine or employee, in the military or naval service of the United States, shall hereafter acquire a residence by reason of being stationed on duty in this State.

SEC. 2. No person shall be disfranchised in this State, for participation in the late rebellion, or for any political offense whatever; *Provided, however*, That those persons who are now disfranchised by certain acts of Congress, shall not be entitled to vote until their disabilities are removed by Congress, at which time such disfranchisement shall cease to be operative in this State;

Which was tabled and ordered printed with the proceedings.

The hour of adjournment having arrived, the Convention adjourned to 7:30 p. m.

AFTERNOON SESSION.

7:30—p. m.

The Convention re-assembled pursuant to adjournment, the President, E. W. Peck, in the chair.

At the request of Mr. Greathouse of Tallapoosa,

The roll of the members was called, and eighty-two (a quorum,) being present, the Convention proceeded to business.

The special order of the day, (the consideration of the majority report of the Committee on Elective Franchise,) was then resumed.

Remarks were made by Messrs. Semple of Montgomery, Graves of Perry, Applegate of Madison, and Keffer of Montgomery.

Mr. Morgan of Wilcox, moved a suspension of the rules, in order to allow Mr. Whelan of Hale, to speak one hour to-morrow morning upon the question;

Which was agreed to.

On motion of Mr. Gregory of Mobile, the Convention adjourned to 10 o'clock, a. m., to-morrow morning, the 19th instant.

THIRTEENTH DAY.

MONDAY, NOV. 19, 1867—10 a. m.

The Convention met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Inge, of Sumter.

The roll of members was then called, and a quorum being present, the Convention proceeded to business.

The journal of the previous session was read and approved.

Mr. Dustan of Marengo, from the Committee on the militia, reported "An Ordinance for the organization of the volunteer militia;"

The reading of which was waived, and the ordinance ordered tabled and printed with the proceedings of the day.

Mr. Keffer, of Montgomery, from the special committee, to whom was referred the preamble and resolution respecting "a national system of cheap freight railways," reported—

The committee to which was referred a certain preamble, with resolutions, respecting a national system of cheap freight railways, have had the same under consideration, and report the enclosed preamble and resolutions, which are substantially the same as when referred to the committee; and recommend the adoption of the same.

JOHN C. KEFFER, Chairman.

WHEREAS, After establishing and securing equal and just rights of every citizen of the State, the next policy of importance, is the advancement of the material condition of the whole people; and

Whereas, internal improvements are the acknowledged means of invigorating development, stimulating production, inviting population, and creating wealth; and

Whereas, Bills are now before Congress, proposing to inaugurate a national system of cheap freight railways on a greatly improved basis; therefore,

Resolved, That this Convention heartily approve of the principles and plan of the congressional bills introduced into the Senate of the United States by Senators Henderson, of Missouri, Harlan of Iowa, and Nye of Nevada; and further, that we recommend the proposed national system to the attention and approval of the people of the State of Alabama.

Resolved, That we regard the monopoly system of transportation on our commercial thoroughfares *as injurious* to the whole country, and particularly oppressive to a state possessing the extraordinary but undeveloped natural resources of Alabama.

Resolved, That this Convention hereby petitions Congress to adopt the plan proposed in the bills now pending before the Senate, and that provision may be made to authorize the building of a railroad to the Gulf of Mexico, at Mobile and Pensacola, with the lakes at Cleveland and Chicago, upon the cheap freight principle, which, in the opinion of this Convention, is the best plan yet promulgated to promote public economy and the common thrift of the people.

Resolved, That the President of this Convention shall cause copies of the foregoing preamble and resolutions to be forwarded to the President of the United States Senate, and the Speaker of the House of Representatives, with the request that they may be laid before the respective Houses, as the petition of the people of Alabama, for the early adoption of the proposed plan of cheap freight railways;

And moved its adoption.

The preamble and resolutions were adopted and ordered printed.

Tbe special order of the day, to-wit: The consideration of the reports of the committee on Elective Franchise was then taken up.

Mr. Griffin of Mobile, moved that before the putting of the question, the President address the Convention upon the subject, and that during his remarks the "10 minutes limitation" rule be suspended;

Which was agreed to.

(Mr. Griffin in the Chair). The President addressed the Convention in favor of the majority report of the committee.

Mr. Griffin of Mobile, (the President having resumed his seat,) moved that the Convention now proceed to vote upon the question of substituting the minority for the majority report, and moved the previous question;

Which was agreed to.

The vote on being taken resulted as follows:

YEAS—Messrs. Alexander of Autauga, Cabot, Falmer, Greathouse, Jolly, Russell of Tallapoosa, Smith, Stewart, Strange, Wheelan—10.

NAYS—Messrs. President, Adams, Alexander of Greene, Applegate, Autrey, Bingham of Limestone, Black, Blackford, Bingham of Talladega, Blandon, Brainard, Bronson, Buck, Burdick, Buckley of Lowndes, Burton, Buckley of Montgomery, Carraway, Collins, Coon, Davis, Diggs, Dustan, Dykes, Ely, Ewing, Finley, Garrison, Green, Gregory, Griffin, Hatcher, Haughey, Hays, Hurst, Horton, Inge, Jackson, Johnson of Russell, Johnson of Henry, Jones of Conecuh, Jones of Madison, Jones of Covington, Keffer, Kennemere, Lee, Lore, McGown, Mahan, McLeod, Martin, Masterson, Moore, Morgan, Morton, Norris, Peters, Plowman, Rapier, Reynolds, Robinson, Rolfe, Royal, Russell of Barbour, Saffold, Silsby, Simmons, Skinner, Springfield, Steed, Strother, Walker of Jefferson, Walker of Shelby, Whitney, Wilhite, Yordy—76.

Mr. Griffin then moved, that when the vote be taken upon the majority report of the committee on Elective Franchise, it be voted upon section by section.

Mr. Saffold of Dallas, moved to amend the motion of Mr. Griffin by taking up the substitute first, beginning with the last and then with the amendments in the same order;

Which was rejected.

The question then recurring, upon the motion of Mr. Griffin of Mobile;

It was agreed to.

Mr. Coon of Dallas, moved that the "10 minutes limitation rule" be suspended this evening to allow Mr. Griffin of Mobile, to address the Convention upon the report of the Elective Franchise;

Which was agreed to.

Mr. Wheelan of Hale, moved to amend the resolution adopted on yesterday (fixing the hour of convening the evening session at 7:30 p. m.) by changing to 3:30 p. m.

Mr. Norris of Elmore, moved to amend by fixing the hour at 3 p. m.

Pending which, the hour of adjournment having arrived, the Convention adjourned to 7:30 p. m.

EVENING SESSION.

7:30—p. m.

The Convention met pursuant to adjournment, the President in the chair.

The roll of members was then called, and a quorum being present, the Convention proceeded to business.

Mr. Griffin of Mobile, yielded the floor accorded him by vote of the Convention at morning session to Mr. Buckley of Montgomery, and subsequently addressed the Convention in favor of the majority report of the committee.

Mr. Semple of Montgomery, moved to rescind the rule of limitation concerning debate.

Mr. Skinner of Franklin, moved to lay the motion upon the table;

Which was agreed to.

Mr. Haughey's amendment to majority report of the committee on Elective Franchise (offered Tuesday, the 12th inst.) was then taken up.

Mr. Bingham of Limestone, moved to lay the amendment upon the table;

Which was agreed to.

Mr. Bingham of Limestone, moved to reject all of the majority report of the committee on Elective Franchise.

Mr. Morgan of Wilcox, moved to lay that motion upon the table.

Mr. Russell of Tallapoosa, demanded the ayes and nays, (upon Mr. Morgan's motion,) which being ordered, resulted:

YEAS—Messrs. President, Alexander of Greene, Autry, Bingham of T., Black, Blandon, Brainard, Brown, Buck, Burdick, Carraway, Collins, Davis, Deal, Dustan, Ely, Ewing, Finley, Gardner, Greene, Gregory, Griffin, Horton, Inge, Johnson of Russell, Jolly, Jones of Madison, Keffer, Lee, McGown, Mahan, McLeod, Masterson, Miller, Morgan, Morton, Norris, Peters, Plowman, Rapier, Robinson, Rolfe, Royal, Skinner, Smith, Springfield Stewart, Steed, Walker of Jefferson, Walker of Shelby—50.

NAYS—Messrs. Alexander of Autauga, Applegate, Bingham of L., Burton, Coon, Diggs, Dykes, Falmer Garrison, Graves, Greathouse, Hatcher, Haughey, Hayes, Howard, Jackson, Jones of Conecuh, Kennemere, Latham, Lore, Martin, Moore, Russell of Barbour, Russell of Tallapoosa, Saffold, Semple, Silsby, Skinner, Speed, Stewart, Stow, Strange, Strother, Wheelan, Whitney, Wilhite, Yordy—37.

And the motion was then rejected.

Mr. Morgan of Wilcox, gave notice that he would to-morrow move to reconsider the vote of allowing but 10 minutes to speak upon the franchise question.

On motion of Mr. Horton of Mobile, the Convention then adjourned until to-morrow, 20th inst., 10 a. m.

FOURTEENTH DAY.

MONTGOMERY, ALA., Wednesday, Nov. 20, 1867.

The Convention met pursuant to adjournment, the President in the chair.

Prayer was offered by the Rev. Mr. McLeod of Marengo.

The roll of members was called, and a quorum being announced as present, the Convention proceeded to business.

The journal of the session of the preceding day was read and approved.

The special order of the day being, the consideration of the majority report of the committee on the Elective Franchise, was then taken up.

Mr. Gregory of Mobile, moved to amend the first section of the article by striking out the words "citizen of" and insert instead thereof the words "person born in," and insert after the words "every male person who" the words "has been naturalized"; which was agreed to.

Mr. Dustan of Marengo, moved that the report from the committee on Elective Franchise be recommitted to the committee, and that Messrs. Haughey of Morgan, Coon of Dallas, Applegate of Madison, Reynolds of Wilcox, Saffold of Dallas, who have offered substitutes, be added to the committee.

Mr. Carraway of Mobile, moved to lay the motion on the table, and called for the yeas and nays, which being ordered, stood—yeas 51, nays 38.

YEAS—Messrs. President, Adams, Alexander of G., Austin, Autry, Bingham of T., Blackford, Blandon, Brainard, Buck, Buckley of L., Carraway, Davis, Diggs, Ely, Finley, Gardner, Garrison, Greathouse, Greene, Gregory, Griffin, Hatcher, Hurst, Horton, Inge, Johnson of Henry, Johnson of Russell, Jones of Conecuh, Jones of Madison, Keffer, Lore, McGown, McLeod. Masterson, Norris, Peters, Plowman, Rapier, Robinson, Royal, Silsby, Skinner, Smith, Springfield, Stanwood, Steed, Towles, Walker of Jefferson, Walker of Shelby, Yordy—51.

NAYS—Messrs. Alexander of Autauga, Applegate, Bingham of L., Black, Bronson, Buckley of Montgomery, Burdick, Burton, Cabot, Collins, Coon, Dustan, Dykes, Ewing, Falmer, Haughey, Hayes, Howard, Jackson, Kennemere, Latham, Mahan, Martin, Miller, Moore, Morgan, Morton, Rolfe, Russell of R., Saffold, Semple, Simmons, Speed, Strange, Wheelan, Whitney, Wilhite—38.

Mr. Speed of Perry, moved a reconsideration of the vote by which the amendment of Mr. Gregory had been adopted, and demanded the yeas and nays, which being ordered and taken, resulted as follows:

YEAS—Messrs. President, Adams, Alexander of A., Alexander of Greene, Applegate, Austin, Autry, Bingham of L., Bingham of T., Black, Blackford, Blandon, Brainard, Bronson, Buck, Buckley of L., Buckley of Montgomery, Burdick, Burton, Cabot, Carraway, Collins, Coon, Davis, Deal, Diggs, Dustan, Dykes, Ely, Ewing, Finley, Gardner, Garrison, Greathouse, Greene, Gregory, Griffin, Hatcher, Haughey, Hayes, Hurst, Horton, Inge, Jackson, Johnson of Henry, Johnson of Russell, Jolly, Jones of Connecuh, Jones of Madison, Keffer, Kennemere, Lore, McGown, McLeod, Martin, Miller, Moore, Morgan, Morton, Norris, Peters, Plowman, Rapier, Robinson, Rolfe, Royal, Russell of B., Saffold, Silsby, Simmons, Skinner, Smith, Speed, Springfield, Stanwood, Steed, Stewart, Stow, Strange, Strother, Towles, Walker, of Jefferson, Walker of Shelby, Whitney, Wilhite, Yordy—86.

NAYS—Falmer, Howard, Latham, Mahan—4.

Mr. Greathouse of Tallapoosa, moved to strike out the word "six" and insert twelve where it occurs in section one of the article.

A motion to table being made, Mr. Greathouse called for the yeas and nays, which being ordered, stood :

YEAS—Messrs. President, Adams, Alexander of G., Applegate, Autry, Bingham of L., Bingham of T., Blackford, Blandon, Brainard, Buck, Buckley of L., Buckley of M., Burdick, Burton, Carraway, Collins, Coon, Davis, Diggs, Dustan, Ely, Ewing, Gardner, Garrison, Gregory, Griffin, Hatcher, Haughey, Hayes, Horton, Inge, Johnson of H., Johnson of M., Keffer, Kennemere, Lee, McGown, McLeod, Martin, Masterson, Miller, Moore, Morgan, Norris, Peters, Rapier, Robinson, Rolfe, Royal, Saffold, Silsby, Skinner, Smith, Springfield, Stanwood, Steed, Stow, Strother, Walker of J., Walker of S., Whitney, Wilhite, Yordy—65.

NAYS—Alexander of Autauga, Austin, Black, Brunson, Cabot, Deal, Dykes, Falmer, Graves, Greathouse, Greene, Hurst, Howard, Jackson, Jolly, Jones of Conecuh, Latham, Mahan, Morton, Plowman, Russell of T., Simmons, Stewart, Strange, Towles, Wheelan—26.

And the motion was therefore tabled.

Mr. Silsby offered an amendment as an addition to the first section :

"*Provided further*, That no person now disqualified by the reconstruction laws of Congress or disqualified from holding office by the 14th article of the Constitution of the United States, shall be deemed an elector."

Mr. Springfield of St. Clair, moved that the amendment be tabled ;

Which was agreed to.

Mr. Speed of Perry, offered an amendment, as an addition to the first section :

"*Provided further*, All persons who are or who may be disfranchised by the Constitution of the United States, or who may hereafter be disfranchised by Congress, shall be disfranchised to the same degree and extent until they are released by Congress, or by a vote of the General Assembly of the State."

Mr. Griffin of Mobile, moved that the amendment be tabled ;

Which was agreed to.

Mr. Wheelan of Hale, offered an amendment, as an addition to the first section :

"After the word provided, Such as may be disfranchised for participation in the rebellion or for felony at common law."

Mr. Griffin of Mobile, moved that the amendment be tabled;

Which was agreed to.

Mr. Burton of Marengo, offered an amendment as an addition to the first section, after the word "vote," the words, "except as hereinafter provided";

The motion was adopted.

Mr. Burton of Marengo, then moved that the first section be adopted.

Mr. Wheelan of Hale, called for the yeas and nays, which being ordered, stood:

YEAS—Messrs. President, Adams, Alexander of G., Applegate, Austin, Autry, Bingham of L., Bingham of T., Black, Blackford, Blandon, Brainard, Bronson, Buck, Buckley of L., Buckley of M., Burdick, Burton, Carraway, Collins, Coon, Davis, Deal, Diggs, Dustan, Dykes, Ely, Ewing, Finley, Gardner, Garrison, Graves, Greathouse, Greene, Gregory, Griffin, Hatcher, Haughey, Hayes, Hurst, Horton, Inge, Jackson, Johnson of H., Johnson of R., Jolly, Jones of C., Jones of M., Keffer, Kennemere, Lee, Lore, McGown, Mahan, McLeod, Martin, Masterson, Miller, Moore, Morgan, Morton, Norris, Peters, Plowman, Rapier, Robinson, Rolfe, Royal, Russell of Barbour, Saffold, Silsby, Simmons, Skinner, Springfield, Stanwood, Steed, Stewart, Strother, Towles, Walker of J., Walker of S., Whitney, Wilhite, Yordy—84.

NAYS—Messrs. Alexander of Autauga, Cabot, Falmer, Howard, Latham, Russell of T., Strange, Wheelan—S.

And the first section as amended was therefore adopted.

Mr. Dustan of Marengo, offered an amendment to the second section, to-wit: To strike out the words,

"It shall be the duty of the General Assembly to provide from time to time for the registration of all electors, but" and also the word "register."

Mr. Griffin of Mobile, moved that the amendment be tabled;

Which was agreed to.

Mr. Strange of Macon, offered an amendment to the second section, beginning at the word "but," in the fourth line from the top:

"Which registration shall take place in the months of January, February and March in each and every year, and no person shall vote at any election after the 31st of March in each year, who has not registered his name in the months aforesaid, and paid into the county treasury the sum of one dollar at least, or such other or greater sum as may be required by law; the said fund so collected as aforesaid, shall be a county fund to be appropriated exclusively to the use of free schools in each county."

Mr. Brainard of Monroe, moved that the amendment be tabled;

Which was agreed to.

Mr. Carraway of Mobile, offered an amendment to the second section, to be inserted immediately after the word electors:

"But the General Assembly shall not have power to prohibit any male person twenty-one years of age, and upwards, from registering or voting on account of race, color or previous condition."

Mr. Brainard of Monroe, moved that the amendment be tabled;

Which was agreed to.

Mr. Graves of Perry, offered an amendment to the second section, as an addition thereto:

"That no citizen shall be required to register but once in the same county."

Mr. Griffin of Mobile, moved that the amendment be tabled;

Which was agreed to.

Mr. Burton offered an amendment to section second, to-wit: To make it read "The General Assembly may provide," &c.

Mr. Griffin of Mobile, moved that the amendment be tabled.

Mr. Burton demanded the yeas and nays, which being ordered, stood:

YEAS—Messrs. President, Adams, Alexander of Greene, Applegate, Autry, Bingham of L., Blandon, Brainard, Buck, Buckley of L., Burdick, Carraway, Collins, Coon, Davis, Diggs, Dykes, Ely, Ewing, Finley, Gardner, Garrison, Green, Gregory, Griffin, Hatcher, Haughey, Horton, Jackson, Johnson of Henry, Johnson of Russell, Jones of Conecuh, Jones of Madison, Keffer, Kennemere, Lee, Lore, McGown, Mahan, McLeod, Miller, Moore, Morgan, Morton, Norris, Peters, Plowman, Robinson, Royal, Russell of Barbour, Saffold, Silsby, Simmons, Springfield, Steed, Strother, Walker of Jefferson, Walker of Shelby, Whitney—59.

NAYS—Messrs. Alexander of Autauga, Austin, Blandford, Black, Bronson, Buckley of Montgomery, Burton, Cabot, Deal, Dustan Falmer, Graves, Greathouse, Hayes, Hurst, Howard, Inge, Jolly, Latham, Martin, Masterson, Rolfe, Russell of Tallapoosa, Semple, Skinner, Smith, Speed, Stanwood, Stewart, Stow, Strange, Towles, Wheelan, Wilhite, Yordy—35.

And the amendment was therefore tabled.

Mr. Norris of Elmore, offered an amendment, to-wit: To insert after the words, "from time to time," the words, for the "first five years," succeeding the adoption of this Constitution."

Mr. Wheelan of Hale, moved that the amendment be tabled.

Mr. Austin of Jackson, demanded the yeas and nays, which being ordered, stood:

YEAS—Messrs. President, Adams, Applegate, Austin, Autry, Bingham of Limestone, Bingham of Talladega, Black, Blackford, Blandon, Brainard, Bunson, Buckley of Lowndes, Buckley of Montgomery, Carraway, Deal, Ely, Ewing, Gardner, Graves, Greathouse, Green, Hayes, Hurst, Johnson of Henry, Johnson of Russell, Jolly, Jones of Conecuh, Keffer, Kennemere, Latham, Lee, McGown, McLeod, Mahan, Masterson, Moore, Morgan, Peters, Plowman, Rolfe, Royal, Russell of Barbour, Russell of Tallapoosa, Silsby, Simmons, Skinner, Springfield, Steed, Strange, Strother, Towles, Walker of Jefferson, Wheelan, Whitney, Wilhite—57.

NAYS—Messrs. Alexander of Autauga, Alexander of Greene, Buck, Burton, Cabot, Collins, Coon, Davis, Diggs, Dustan, Dykes, Falmer, Finley, Gregory, Griffin, Hatcher, Haughey, Horton, Howard, Inge, Jackson, Jones of Madison, Lore, Mahan, Miller, Morton, Norris, Saffold, Semple, Smith, Speed, Stanwood, Stewart, Stow, Walker of Shelby, Yordy—36.

And the amendment was therefore tabled.

Mr. Greathouse of Tallapoosa, offered an amendment, to-wit: To strike out the first paragraph of the second section;

Which was, on motion, laid upon the table.

The first clause of the second section was then adopted.

Mr. Bingham of Limestone, offered an amendment to the second clause of section two, to-wit:

"Or who are, or may be disfranchised by the proposed Constitutional Amendment, known as the 14th article, and the act of Congress passed March 2d, 1867; except such persons as have aided the plan of reconstruction, proposed by Congress, and accepted the political equality of all men before the law; *Provided*, That the General Assembly shall have power to remove the disabilities incurred under this clause."

Mr. Wheelan of Hale, offered an amendment to the amendment of Mr. Bingham, to-wit:

To strike out all that relates to the Constitutional Amendment.

Mr. Walker of Shelby, moved to lay Mr. Wheelan's amendment on the table;

Which was agreed to.

Mr. Speed of Perry, offered an amendment to the amendment of Mr. Bingham, to-wit:

Insert after the words "supplementary thereto"—"Shall be disfranchised to the same degree and extent as disfranchised by said Constitutional Amendment, and the said Acts of Congress of March 2d, and supplementary thereto";

Which was rejected.

Mr. Saffold of Dallas, offered an amendment to Mr. Bingham's amendment, to-wit: To strike out all therein relating to the Supplementary Acts of Congress.

Pending which, Mr. Burton of Marengo, moved an adjournment until 3 p. m.

Which was rejected.

Mr. McGown of Tuscaloosa, moved to lay Mr. Bingham's amendment upon the table, and called the previous question, the vote being ordered, stood—yeas 25, nays 63.

And the motion was rejected.

Mr. Bingham of Limestone, accepted the amendment of Mr. Saffold.

Mr. Haughey of Morgan, moved the adoption of the amendment of Mr. Bingham.

Pending which, Mr. Wheelan of Hale, moved that the Convention adjourn until 3 P. M.;

Which was agreed to.

AFTERNOON SESSION.

Nov. 20—3 p. m.

The Convention met pursuant to adjournment, the President in the chair.

Mr. Peters of Lawrence, from the committee on Ways and Means, by leave, moved that an ordinance in relation to the pay and mileage of delegates, pay of officers of the Convention, and for other purposes, which had been engrossed and ordered to a third reading, to be taken up and put upon its final passage;

Which was agreed to, and the ordinance was passed.

Mr. Bingham of Limestone, was granted leave to amend the amendment to the 2d section offered by himself.

Mr. Burton of Marengo, moved to amend the 2d clause of the 2d section by striking out the words "the late" and inserting instead "any" before rebellion;

Which was rejected.

The 1st paragraph of the 2d section was then adopted, to-wit:

1. Those who during the rebellion, inflicted, or caused to be inflicted, any cruel or unusual punishment upon any soldier, sailor, marine, employee or citizen of the United States, or who in any other way violated the rules of civilized warfare.

Mr. Bingham of Limestone, renewed his amendment and offered it as the 2d clause of section 2, and agreed to accept an amendment offered by Mr. Skinner of Franklin, to-wit:

Provided further, That all disabilities herein created shall cease to be operative when removed by the Congress of the United States.

Mr. Keffer of Montgomery, offered an amendment, to-wit:

Insert after the words "as have aided," the following, "or who may aid the work of reconstruction by encouraging others to vote upon the question of adopting this Constitution;"

Which was adopted.

Mr. Keffer of Montgomery, demanded the yeas and nays upon the adoption of the amendment of Mr. Bingham, as amended; which were ordered and resulted as follows: Yeas 29; nays 64.

Mr. Brainard of Monroe, moved to adjourn.

On motion of Mr. Griffin of Mobile, the motion to adjourn was laid upon the table.

The vote upon the adoption of the amendment of Mr. Bingham of Limestone, as amended by Mr. Keffer of Montgomery, was then reconsidered.

Mr. Miller of Lowndes, moved to reconsider the vote upon the amendment of Mr. Keffer of Montgomery, to the amendment of Mr. Bingham of Limestone;

Which was agreed to.

On motion of Mr. Bingham of Limestone, the amendment of Mr. Keffer was laid upon the table.

Mr. Coon of Dallas, moved to adopt the original amendment offered by Mr. Bingham of Limestone.

Mr. Saffold of Dallas, offered the following amendment:

2d. All persons who are or may be disfranchised by the Constitution of the United States, or who may hereafter be disfranchised by Congress, for participation in the late rebellion, shall be disfranchised to the same degree and extent, until they are relieved by Congress; but the provisions of this paragraph shall not apply to such persons as may make oath that they supported the reconstruction measures of Congress.

Pending which question Mr. Russell of Tallapoosa, moved to adjourn;

Which was agreed to and the Convention adjourned to 7:30 p. m.

EVENING SESSION.

7:30—p. m.

The Convention met pursuant to adjournment.

Mr. Miller of Lowndes, in the absence of the President, was called to the chair.

The substitute of Mr. Saffold of Dallas, for Mr. Bingham's amendment pending at adjournment of afternoon session, being before the Convention,

Mr. Bingham of Limestone, moved the previous question on the adoption of his amendment.

Mr. Speed of Perry, moved to lay the amendment upon the table;

Which was rejected.

The yeas and nays were then ordered on the adoption of the amendment, and resulted:

YEAS—Mr. President, Adams, Alexander of Greene, Applegate, Autrey, Bingham of Limestone, Bingham of Talladega, Black, Blandon, Brainard, Buck, Buckley of Lowndes, Buckley of Montgomery, Burton, Collins, Coon, Diggs, Ely, Finley, Gardner, Garrison, Gregory, Griffin, Hatcher, Haughey, Horton, Inge, Johnson of Henry, Johnson of Russell, Jones of Conecuh, Jones of Madison, Kennemere, Lee, McGown, Mahan, McLeod, Martin, Miller, Morton, Norris, Peters, Plowman, Rapier, Robinson, Royal, Silsby, Simmons, Skinner, Speed, Springfield, Stanwood, Steed, Strange, Strother, Walker of Jefferson, Walker of Shelby, Whitney, Wilhite, Yordy—59.

NAYS—Alexander of Autauga, Blackford, Burdick, Cabot, Davis, Deal, Dustan, Ewing, Falmer, Greathouse, Graves, Hayes, Hurst, Howard, Jolly, Keffer, Latham, Masterson, Morgan, Moore, Russell of Tallapoosa, Saffold, Smith, Stewart, Stow, Wheelan—26.

Mr. Dustan of Marengo, in explaining his vote said:

"My conviction is, that this Convention should disfranchise no man for treason; that the power to do so rests only with Congress; that this Convention would be wise in not meddling with the matter—I vote no."

Mr. Keffer said he believed the proposition was decidedly wrong. It provided for the disfranchisement of men by the specified acts, neither of which disfranchise anybody. The object could be attained by proper wording of the law. For that reason he voted no.

Mr. Saffold said in explanation that he thought the expression too indefinite and therefore he voted no.

Mr. Silsby said there was no disfranchisement under the law passed March 2, 1867, but still he would vote in favor of the proposition.

Mr. Moore voted against it because he thought it improperly worded.

And the amendment was therefore adopted as the 2d clause of the 2d section.

The 2d clause of section 2, of the majority report, as originally reported, was then adopted as the 3d clause of said section.

Mr. Griffin of Mobile, moved to amend the 3d clause as originally reported by striking out the words "rendering it impossible for him to reach" and inserting the words "preventing him from."

Mr. Wheelan of Hale, moved to lay the whole clause with the amendment, upon the table, and demanded the yeas and nays thereon;

Which were ordered and stood:

Yeas—Alexander of Autauga, Austin, Black, Blackford, Burdick, Burton, Cabot, Carraway, Deal, Dustan, Falmer, Graves, Greathouse, Hays, Hurst, Horton, Howard, Jolly, Jones of Conecuh, Jones of Madison, Latham, Lee, Martin, Masterson, Miller, Moore, Morgan, Plowman, Robinson, Russell of Tallapoosa, Saffold, Semple, Silsby, Smith, Speed, Stanwood, Stewart, Stow, Strange, Walker of Jefferson, Wheelan, Yordy—43.

Nays—Adams, Alexander of Greene, Applegate, Autry, Bingham of Limestone, Bingham of Talladega, Blandon, Brainard, Buck, Buckley of Lowndes, Buckley of Montgomery, Collins, Davis, Diggs, Ely, Ewing, Finley, Gardner, Garrison, Gregory, Griffin, Hatcher, Haughey, Inge, Johnson of Henry, Johnson of Russell, Keffer, Kennemere, McGown, Mahan, McLeod, Morton, Norris, Peters, Royal, Simmons, Skinner, Springfield, Steed, Strother, Walker of Shelby, Whitney, Wilhite—43.

The motion to lay it upon the table was therefore rejected.

The amendment of Mr. Griffin was then adopted.

Mr. McGown of Tuscaloosa, then called for the previous question on the adoption of the clause and demanded that the yeas and nays be taken;

Which were ordered and stood:

YEAS—Adams, Autry, Bingham of Limestone, Bingham of Tallapoosa, Blandon, Brainard, Buck, Collins, Davis, Ely, Gardner, Garrison, Griffin, Haughey, Johnson of Russell, Keffer, Kennemere, Lee, McGown, Mahan, Morton, Norris, Peters, Royal, Simmons, Skinner, Springfield, Steed, Walker of Shelby, Whitney, Wilhite—42.

NAYS—Alexander of Autauga, Alexander of Greene, Austin, Black, Blackford, Buckley of Lowndes, Buckley of Montgomery, Burton, Cabot, Carraway, Coon, Deal, Dustan, Ewing, Falmer, Graves, Greathouse, Gregory, Hatcher, Hayes, Hurst, Horton, Howard, Inge, Johnson of Henry, Jolly, Jones of Conecuh, Jones of Madison, Latham, McLeod, Martin, Miller, Moore, Morgan, Plowman, Rapier, Rolfe, Russell of Tallapoosa, Saffold, Semple, Silsby, Smith, Speed, Stanwood, Stewart, Stow, Strange, Strother, Walker of Jefferson, Wheelan, Yordy—53.

The clause was therefore rejected.

Mr. Bingham of Limestone, moved to insert the following in the 2d section as a 4th clause:

No idiot or insane person shall be permitted to vote in this State.

Mr. Gardner of Butler, moved to amend by inserting after the word "person" the word "pauper."

Mr. Carraway moved to lay the amendment to the amendment on the table;

Which was agreed to.

The clause as offered was then adopted as the fourth clause of the second section.

Mr. Griffin moved to amend by striking out the words, "if I have ever believed in the right of a State to secede, I hereby abandon it," and to insert in lieu thereof, "that I will never countenance or aid in the secession of this State from the United States."

Mr. Bingham of Limestone, offered as an amendment, the following to come after the word "Alabama" in the fifth line of the oath:

"That I am not excluded from registration by any of the clauses in section 2 of this article."

The amendment was adopted.

Mr. Haughey of Morgan, moved to amend the 3d section by striking out all after the words "all persons before registering, must take and subscribe the following oath;" and insert the following:

REGISTRATION OATH.

I, A. B., do solemnly swear, in the presence of Almighty God, that I am a citizen of the State of Alabama; that I have resided in said State six months next preceding this day, and during the last three months in the county of ———, that I am 21 years old, and that I have not been disfranchised for participation in the rebellion, or civil war against the United States, nor for felony against the laws of any State nor of the United States; and that I have never taken an oath as a member of the Congress of the United States, or as a member of any State Legislature, as an officer of any State or of the United States, or as an executive or judicial officer of any State, or of the United States, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States; or given aid or comfort to the enemies thereof; and that I accept the civil and political equality of all men, without regard to color, race or previous condition, and will resist to the extent of my abilities, any and all attempts to restrict or abridge the same, and that I will faithfully support the Constitution and obey the laws of the United States, and the Constitution and laws of the State of Alabama, and will to the extent of my ability, encourage others to do so; that I take this oath freely, without mental reservation or evasion. So help me God.

Mr. Wheelan of Hale, moved to lay the substitute on the table;

Which was agreed to.

Mr. Carraway moved to strike out the word "policy of the Congress" and insert "laws." Adopted.

Mr. Saffold offered the following as a substitute for the new section:

I, ———, do solemnly swear that I will support the Constitution of the United States, the Union of the States and the Constitution of the State of Alabama, and that I am not disfranchised;

Which was rejected.

The previous question was then called and the yeas and nays demanded on the adoption of the section;

Which were ordered, and on being taken, resulted as follows:

YEAS—Adams, Alexander of Greene, Applegate, Austin, Bingham of Limestone, Bingham of Talladega, Blandon, Brainard, Buck, Buckley of Montgomery, Carraway, Coon, Davis, Diggs, Dustan, Ely, Falmer, Finley, Gardner, Garrison, Graves, Gregory, Griffin, Hatcher, Haughey, Hayes, Horton, Inge, Johnson of Henry, Johnson of Russell, Jones of Conecuh, Jones of Madison, Keffer, Kennemere, Lee, McGown, McLeod, Miller, Moore, Morton, Norris, Peters, Plowman, Rapier, Robinson, Rolfe, Royal, Silsby, Simmons, Skinner, Speed, Springfield, Stanwood, Steed, Strother, Walker of Jefferson, Walker of Shelby, Whitney, Wilhite, Yordy—60.

NAYS—Alexander of Autauga, Black, Blackford, Buckley of Lowndes, Burdick, Burton, Cabot, Collins, Ewing, Greathouse, Hurst, Howard, Latham, Mahan, Martin, Masterson, Morgan, Russell of Tallapoosa, Saffold, Semple, Smith, Stewart, Strange, Wheelan—24.

And the section was therefore adopted.

And the Convention adjourned until 10 o'clock A. M., on Thursday, the 21st inst.

FIFTEENTH DAY.

MONTGOMERY, ALA., Nov. 21, 1867.

The Convention met pursuant to adjournment, the President in the chair.

Prayer was offered by the Rev. Mr. Avery of Mobile.

The roll of members was then called and a quorum being present, the Convention proceeded to business.

The minutes of the session of the preceding day were read and approved.

Mr. Black of Bullock, from committee on Agriculture, submitted the following report, as an article of the Constitution:

ARTICLE.

SEC. 1. There shall be a Bureau of Agriculture established and organized in the State of Alabama, to be known as the Department of Agriculture, Statistics and Mineral Resources.

SEC. 2. There shall be a commissioner appointed to take charge of, and control, this department, to be known as the Commissioner of Statistics.

SEC. 3. The Commssioner of Agriculture shall be appointed in the same manner as the other executive officers of the State, viz: He shall be nominated by the Governor, and confirmed by the Senate, and hold his office —— years.

Sec. 4. The duties of the Commissioner of Agriculture shall be to collect and disseminate agricultural and other information among the people of the State, with improvements in the various departments of agriculture, viz: planting, farming, horticulture, fruit-growing, stock-raising and mineral resources. Also, to collect and collate all necessary statistical information relating to the productive industries, with the condition, progress and prosperity of the State.

Sec. 5. And it shall be the further duty of the Commissioner of Agricultural Statistics to institute and make, or cause to be made, a careful, accurate and thorough agricultural and geological report of the State.

Sec. 6. It shall be the duty of the Legislature of this State, at its first session after this Convention, to make all such needful laws and regulations as may be necessary for the government and protection of this Department, and also to fix and provide for the compensation of the Commissioner.

Sec. 7. This Department shall be located at the seat of government; the Commissioner shall reside there, and he shall be required to make a written or printed report to the Governor of the State annually, to be laid before the Legislature at each session.

Mr. Griffin of Mobile, moved that it be tabled and printed with the proceedings of the day;

Which was agreed to.

Mr. Saffold of Dallas, presented a petition from the President and Directors of the New Orleans and Selma Railroad.

To the Hon. Members in Convention assembeld at Montgomery, Ala.:

We, the President and Directors of the New Orleans and Selma Railroad Company, would respectfully and earnestly solicit the consideration of your honorable body to the following propositions:

By an act of the General Assembly of the State of Alabama, passed and approved 23d February, 1866, a charter was granted to organize the N. O. & S. R. R. Co., upon certain considerations, and under the provisions of said charter, the said corporation was organized, and its officers duly elected. We beg to say we have every assurance, if a proper survey of said road could be speedily made, and the road located, that it would be greatly to the interest of the road, and result in incalculable benefit to the State. The land owners along the route of said line, are exceedingly anxious to do all in their power to further its completion, and we have every assurance that at least 800,000 acres of good land would be donated to the road, which a little delay will throw entirely out of our reach. We can now make the most favorable combinations with all the railroads from Washington City to this point, for the carrying of the mails, for a long term of years. We have no doubt of obtaining from the General Government a liberal appropriation, which, with this large donation of lands, and the mail appropriations, will make our road rich, and cause subscriptions to be eagerly sought. And we do not hesitate to say that New Orleans alone will take sufficient to build two-thirds of the entire route. This line, when completed, will bring New York and New Orleans two hundred miles nearer each other than by their present rail connections, and as this whole line from the lakes runs through the most desirable country, we expect to have the whole stock taken almost immediately after the survey is made, and the road completed, and this without calling further upon the credit of the State. The bulk of subscription thus far has been made in work, and in the exceeding stringency of the money market, it is impossible for us to command means to complete the survey of the road. In consideration of the above recited facts, and that these combinations can now be speedily consummated, and bring into the State a large and active capital, we respectfully beg of you the appropriation of ten thousand dollars ($10,000) for the survey of this road, which amount will be more than doubly paid back by taxes annually, to our State treasury. The survey of the Coosa river, by the last State Assembly, cannot be comparable to this, in good results, to all branches of industry.

We sincerely hope you will take our petition into favorable consideration, and at once enable us to make this most important survey.

Most respectfully, your ob't serv't,

R. M. Robertson,
President N. O. & S. R. R. Co.

Selma, Ala., Nov. 16, 1867.

Your petitioners would suggest that if the money and interest be not paid back to the State within three years, that its charter be forfeited, and the President and Directors be required to account for the proper appropriation of the amount.

R. M. Robertson,
President N. O. & S. R. R. Co.

Mr. Griffin of Mobile, moved that the reading be ordered printed with the proceedings, and it referred to the Committee on Finance and Taxation;

Which was agreed to.

Mr. Bingham of Limestone, moved that the Convention adopt as a part of the Constitution the article upon Franchise agreed upon yesterday.

Mr. Griffin of Mobile, moved to refer it to the Committee on the Constitution, and called for the previous question on referring to the committee;

Which was agreed to and the "article" therefore referred.

The special order of the day, to-wit: The consideration of the memorial to Congress concerning the extension of Land Grants to Railroads, offered on Nov. 11, was then taken up.

Mr. Griffin of Mobile, moved that it be laid upon the table until after a Constitution had been acted upon;

Which was agreed to.

The consideration of engrossed odinances being the next special order, the first, to-wit: To enable guardians to educate their wards and give them the benefit of a professional education, was on motion of Mr. Morgan of Wilcox, indefinitely postponed.

The second, to-wit: "An Ordinance to declare void certain judgments and grant new trials in certain cases therein named."

The third, to-wit: "An Ordinance relating to marriages between freedmen and freedwomen."

The fourth, to-wit: "An Ordinance granting new trials at law and equity in courts of Alabama."

The fifth, to-wit: "An Ordinance to allow widows, orphans and others to reverse the validity of sales and settlements of estates made by guardians, trustees, etc.;"

Were on motion of Mr. Coon of Dallas, laid upon the table until the adoption of a Constitution had been agreed upon.

The sixth, to-wit: "An Ordinance to change the name of Cleburne county to Lincoln."

Mr. Horton of Mobile, moved the same disposition.

Mr. Springfield of St. Clair, demanded the yeas and nays;

Which being ordered, stood:

YEAS—Messrs. President, Adams, Alexander of Autauga, Applegate, Bingham of Limestone, Bingham of Talladega, Black, Blackford, Blandon, Brainard, Buck, Buckley of Lowndes, Buckley of Montgomery, Burton, Coon, Davis, Deal, Diggs, Dustan, Dykes, Ely, Falmer, Finley, Gardner, Greathouse, Gregory, Griffin, Hatcher, Haughey, Hayes, Hurst, Horton, Howard, Inge, Jackson, Johnson of Russell, Jolly, Jones of Madison, Martin Miller, Moore, Morgan, Morton, Norris,, Plowman, Rapier, Semple, Silsby, Smith, Stanwood, Stow, Strange, Strother, Towles, Walker of Jefferson, Walker of Shelby, Wheelan, Yordy—58.

NAYS—Alexander of Greene, Austin, Cabot, Collins, Kefer, Kennemere, Mahan, Masterson, Rolfe, Saffold, Simmons, Skinner, Speed, Springfield, Steed, Stewart, Wilhite—17.

The seventh, to-wit: "An Ordinance to protect electors."

Mr. Griffin of Mobile, moved the same disposition;

On which a division was called and stood, 42 to 33;

Therefore rejected.

Mr. Burton of Marengo, offered a resolution;

Resolved, That until otherwise ordered the ayes and nays shall not be called except upon application of one-fith of the members.

Mr. Springfield of St. Clair, moved to lay the resolution on the table;

Which was agreed to.

Mr. Miller of Lowndes, moved that the report of the committee on the Executive Department be taken up;

Which was agreed to and the article reported was taken up section by section.

Mr. Greathouse of Tallapoosa, moved to amend the 1st section by striking out the words "Lieutenant Governor."

Mr. Miller of Lowndes, moved to lay the motion on the table.

Mr. Greathouse of Tallapoosa, demanded the yeas and nays;

Which being ordered stood:

YEAS—Messrs. President, Adams, Alexander of Greene, Applegate, Bingham of Limestone, Bingham of Talladega, Black, Blackford, Blandon, Brainard, Brunson, Buck, Buckley of Lowndes, Buckley of Montgomery, Burton, Carraway, Coon, Davis, Deal, Diggs, Dustan, Dykes, Ely, Finley, Gardner, Greene, Gregory, Griffin, Hatcher, Haughey, Horton, Jackson, Johnson of Russell, Jones of Madison, Keffer, Kennemere, Lore, McGown, Miller, Moore, Morton, Norris, Plowman, Rapier, Robinson, Rolfe, Royal, Saffold, Semple, Smith, Stanwood, Steed, Stewart, Strother, Walker of Jefferson, Yordy—37.

NAYS—Messrs. Alexander of Autauga, Austin, Autrey, Cabot, Collins, Ewing, Falmer, Garrison, Graves, Greathouse, Hayes, Hurst, Howard, Jolly, Jones of Conecuh, Lee, Mahan, McLeod, Martin, Masterson, Russell of Barbour, Russell of

Tallapoosa, Simmons, Skinner, Springfield, Towles, Walker of Shelby, Wheelan, Whitney, Wilhite—39.

And the motion was therefore rejected.

Mr. Greathouse of Tallapoosa, then moved to add the words "Assistant Lieutenant Governor."

Mr. Miller of Lowndes, moved to lay the motion on the table;

Which was agreed to.

EXECUTIVE.

§ 1. The Executive Department shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, and Attorney General, who shall be chosen by the electors of the State at the time and places at which they shall respectively vote for representatives.

The first section was then adopted.

Mr. Semple of Montgomery, moved to strike out of the second section the words "Attorney General."

Mr. Miller of Lowndes, moved to lay the motion on the table;

Which was agreed to.

Mr. Hurst of Coosa, offered a substitute for the 2d section, to-wit: The Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, and Attorney General, shall hold their offices for four years.

Mr. Greathouse of Tallapoosa, moved to lay the motion on the table, and demanded the yeas and nays;

Which being ordered, stood:

Yeas—Messrs. President, Adams, Alexander of Autauga, Alexander of Greene, Applegate, Autrey, Bingham of Talladega, Black, Blandon, Brunson, Buckley of Lowndes, Buckley of Montgomery, Burdick, Burton, Cabot, Collins, Deal, Diggs, Dustan, Dykes, Ely, Ewing, Falmer, Gardner, Greathouse, Howard, Johnson of Russell, Jones of Conecuh, Jones of Madison, Lore, McGown, Martin, Miller, Moore, Morgan, Morton, Norris, Rapier, Robinson, Royal, Russell of Barbour, Russell of Tallapoosa, Saffold, Simmons, Skinner, Stanwood, Steed, Stow, Towles, Walker of Jefferson, Whitney, Wilhite—52.

Nays—Messrs. Austin, Bingham of Limestone, Blackford, Brainard, Buck, Carraway, Coon, Davis, Garrison, Greene, Gregory, Griffin, Haughey, Hatcher, Hayes, Hurst, Horton, Inge, Jackson, Jolly, Keffer, Kennemere, Latham, Mahan, McLeod, Masterson, Plowman, Semple, Silsby, Smith, Stewart, Strange, Strother, Walker of Shelby, Wheelan, Yordy–38.

Mr. Blackford of Hale, moved to strike out "two" where it occurs, and insert "four" where it occurs in the 2d section.

Mr. Miller demanded the yeas and nays;

Which being ordered, stood:

YEAS–Messrs. Adams, Alexander of Greene, Austin, Bingham of Limestone, Blackford, Brainard, Buck, Buckley of Lowndes, Buckley of Montgomery, Carraway, Coon, Davis, Diggs, Garrison, Graves, Greene, Gregory, Hatcher, Haughey, Hayes, Hurst, Horton, Inge, Jackson, Keffer, Kennemere, Latham, Lee, Lore, Morton, Plowman, Semple, Silsby, Smith, Stanwood, Strange, Whelan, Whitney, Wilhite, Yordy—42.

NAYS—Messrs. President, Alexander of Autauga, Applegate, Autrey, Bingham of Talladega, Black, Blandon, Bronson, Burdick, Burton, Cabot, Collins, Deal, Dustan, Dykes, Ely, Ewing, Falmer, Gardner, Greathouse, Howard, Johnson of Russell, Jolly, Jones of Conecuh, Jones of Madison, McGown, Mahan, McLeod, Martin, Masterson, Miller, Moore, Morgan, Norris, Rapier, Robinson, Royal, Russell of Barbour, Russell of Tallapoosa, Saffold, Simmons, Skinner, Springfield, Steed, Stewart, Stow, Towles, Walker Jefferson, Walker of Shelby—49.

Section 2 was then adopted.

§ 2. The Governor, Lieutenant Governor, Secretary of State, Treasurer and Attorney General, shall hold their offices for two years, and the Auditor for four years.

§ 3. The returns of every election for the offices named in the foregoing section, shall be sealed up and transmitted to the seat of government by the returning officers, directed to the President of the Senate, who, during the first week of the session, shall open and publish them, and declare the result in the presence of a majority of the members of the General Assembly. The person having the highest number of votes shall be declared duly elected; but if two or more shall be highest, and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses.

§ 4. The supreme executive power of this State shall be vested in the Governor.

§ 5. He may require information in writing, from the officers in the Executive Department, upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

§ 6. He shall communicate at every session, by message, to the General Assembly, the condition of the State, and recommend such measures as he shall deem expedient.

§ 7. He may, on extraordinary occasions, convene the General Assembly, by proclamation, and shall state to both Houses, when assembled, the purpose for which they have been convened.

§ 8. In case of disagreement between the two Houses, in respect to the time of adjournment, he shall have power to adjourn the General Assembly to such time as he may think proper, but not beyond the regular meetings thereof. He shall be Commander-in-Chief of the military and naval forces of the State, except when they shall be called into the service of the United States.

Sections 3, 4, 5, 6, 7, 8, 9, were then on motion successively adopted.

Mr. Saffold of Dallas, offered an amendment to section ten, after the close of the first sentence, the words, "but such pardons shall not relieve from civil or political disability."

Which was agreed to.

§ 10. He shall have power, after conviction, to grant reprieves, commutations and pardons, for all offenses except treason and cases of impeachment, upon such conditions as he may think proper; subject, however, to such regulations as to the manner of applying for pardons, as may be prescribed by law, but such pardons shall not relieve from civil or political disability. Upon conviction of treason, he may suspend the execution of the sentence, and report the same to the General Assembly at the next meeting, when the General Assembly shall either pardon, commute the sentence, direct its execution or grant further reprieve. He shall communicate to the General Assembly, at every regular session, each case of reprieve, commutation or pardon granted, stating the name and crime of the convict, sentence, its date, and the commutation, pardon, or reprieve, with his reasons therefor.

Section 10 was then adopted as amended.

§ 11. There shall be a seal of the State, which shall be kept by the Governor, and used by him officially; and shall be called "The Great Seal of the State of Alabama."

§ 12. All grants and commissions shall be issued in the name, and by the authority of the State of Alabama; sealed with the Great Seal, and signed by the Governor, and countersigned by the Secretary of State.

§ 13. No member of Congress or other person holding office under the authority of this State, or of the United States, shall execute the office of Governor, except herein provided.

§ 14. In case of the death, impeachment, resignation, removal, or other disability of the Governor, the powers and duties of the office, for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant Governor.

§ 15. The Lieutenant Governor shall be president of the Senate, but shall vote only when the Senate is equally divided; and, in case of his absence, or impeachment, or when he shall exercise the office of Governor, the Senate shall choose a president.

§ 16. If the Lieutenant Governor, while executing the office of Governor, shall be impeached, displaced, resign, or die, or otherwise become incapable of performing the duties of the office, the President of the Senate shall act as Governor, until the vacancy is filled, or the disability removed; and if the President of the Senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the Speaker of the House of Representatives.

§ 17. Should the office of Auditor, Treasurer, Secretary, or Attorney General, become vacant, for any of the causes specified in the fourteenth (14th) section of this article, the Governor shall fill the vacancy until the disability is removed, or a successor elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after it shall have occurred, and the person chosen shall hold the office for the full term fixed in the second section of this article.

§ 18. The officers mentioned in this article shall, at stated times, receive for their services a compensation to established by law, which shall neither be increased nor diminished during the period for which they shall have been elected.

§ 19. The officers of the Executive Department, and of the public State institutions, shall, at least five days preceding each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly.

Sections 11, 12, 13, 14, 15, 16, 17, 18 and 19, were then successively adopted.

Mr. Greathouse of Tallapoosa, moved to strike out of section twenty, "shall not be eligible to serve either as principal or deputy for any two successive terms."

Mr. Dustan of Marengo, moved to lay the motion on the table;

Which was agreed to.

Mr. Griffin of Mobile, moved to strike out three and insert four, as term of office.

Mr. Saffold of Dallas, moved to lay the motion on the table;

Which was agreed to.

Mr. Simmons of Colbert, moved to strike out three and insert two.

Mr. Walker of Shelby, moved to lay the motion on the table;

Which was agreed to.

Mr. Miller of Lowndes, moved that the section be adopted;

Which was agreed to.

§ 20. A sheriff shall be elected in each county by the qualified electors thereof, who shall hold his office for the term of three years, unless sooner removed, and shall not be eligible to serve either as principal or deputy for any two successive terms. Vacancies in the office of sheriff shall be filled by the Governor, as in other cases, and the person so appointed shall continue in office until the next general election in the county for sheriff as by law provided.

And the 20th section was therefore adopted.

Mr. Coon of Dallas, moved that the report be referred to the committee on the Constitution;

Which was agreed to, and it was accordingly referred.

Mr. Peck of Tuscaloosa, (Mr. Miller of Lowndes, in the chair,) by leave, offered resolutions of thanks to Maj. Gen. Pope:

WHEREAS, By the public prints published in this State, by our adversaries, many false and malicious complaints and charges have been made against the distinguished General, in command of the military district, of which the State of Alabama forms a part; and,

WHEREAS, The great body of the people of this State, loyal to the United States, desire to express their entire satisfaction with the manner in which the government has been administered in this State, and to assure the General at the head of said Government, of their hearty approval of his course and and conduct; therefore,

Resolved by the people of the State of Ababama in Convention assembled, That the thanks of the people of this State are due and are hereby tendered to Maj. Gen. John Pope, the General in command of the third military district, for the firm and impartial and yet just and gentle manner in which his government has been administered.

Resolved, That he has the confidence of the people of this State, and shall enjoy their sympathy and support in the discharge of the duties of his high office.

And be it further resolved, That a copy of this preamble, and these resolutions be forwarded to Maj. Gen. Pope, by the President of this Convention.

On the question of adopting which, Mr. Norris of Elmore, demanded the yeas and nays, which being ordered, stood :

YEAS—Messrs. President, Adams, Alexander of Autauga, Alexander of Greene, Applegate, Austin, Autry, Bingham of Limestone, Bingham of Talladega, Black, Blackford, Blandon, Brainard, Brunson, Buck, Buckley of Lowndes, Buckley of Montgomery, Burdick, Burton, Cabot, Carraway, Collins, Coon, Davis, Deal, Diggs, Dustan, Dykes, Ely, Ewing, Folmar, Finlay, Garrison, Graves, Greathouse, Green, Gregory, Hatcher, Haughey, Hurst, Horton, Howard, Inge, Jackson, Johnson of Russell, Jolly, Jones of Conecuh, Jones of Madison, Kennemere, Lee, McGown, Mahan, McLeod, Martin, Masterson, Meadors, Miller, Moore, Morgan, Morton, Norris, Plowman, Rapier, Robinson, Saffold, Simmons, Smith, Springfield, Stanwood, Steed, Strange, Strother, Towles, Walker of Jefferson, Walker of Shelby, Whelan, Whitney, Wilhite, Yordy—78.

NAYS—Messrs. Griffin, Latham, Russell of Barbour—3.

Mr. Griffin explained his vote. He regretted that the resolutions had been introduced. He was unable to vote for it, and desired his reasons to be entered on the journals. He did not believe—in fact he knew, that Gen. Pope had not executed the laws of Congress. In July last, Congress passed a law authorizing the commanders of the military districts to remove disloyal persons from office, who obstructed reconstruction. General Pope has had full notification, officially and personally, that civil officers in this State were disloyal, and obstructing reconstruction, and that he had failed to remove them. In view of these facts, he could not vote to say that Gen. Pope had done his whole duty, and he therefore voted no.

Mr. Russell of Barbour, voted no for the same reason.

And the resolutions were therefore adopted.

Mr. Coon of Dallas, moved that the report on militia be taken up ;

Which was agreed to.

Mr. Greathouse of Tallapoosa, moved to amend by striking out 18 and adding 21, so as to read between 21 and 45, instead of 18 and 45.

Mr. Dustan of Marengo, moved to lay the motion on the table ;

Which was agreed to.

ARTICLE —.

SEC. 1. All able-bodied male inhabitants of this State, between the age of eighteen years and forty-five years, who are citizens of the United States, or have declared their intention to become citizens of the United States, shall be liable to military duty in the militia of this State: but all citizens, of any denomination whatever, who, from scruples of conscience, may be adverse to bearing arms, shall be exempt therefrom, upon such conditions as may be prescribed by law.

SEC. 2. The Legislature shall provide for the organizing, arming, equipping, and discipline of the militia, and for paying the same, when called into actual service, in such manner as it shall deem expedient, not incompatible with the laws of the United States.

SEC. 3. Officers of the militia shall be elected or appointed and commissioned, in such manner as may be provided by the Legislature.

SEC. 4. The Governor shall be commander-in-chief of the army and navy of this State, and of the militia, except when called into the service of the United States, and shall have power to call forth the militia to execute the laws, to suppress riots or insurrections, and to repel invasion.

And the 1st, 2d, 3d, and 4th sections were successively adopted.

Mr. Coon of Dallas, moved to fill the blank in the 5th section before *Brigadier Generals*, by inserting three;

Which was agreed to.

Mr. Morgan of Wilcox, moved to strike out "Major General;"

Which was rejected.

SEC. 5. The Governor shall nominate, and by and with the advice, and consent of the Senate, appoint one Major General, and three Brigadiers General. The Adjutant General and other staff officers, to the commander-in-chief, shall be appointed by the Governor, and their commissions shall expire with the Governor's term of service. No commissioned officer shall be removed from office unless by the Senate, on the recommendation of the Governor, stating the grounds on which such removal is recommended, or by the decision of a court marshal, pursuant to law.

SEC. 6. The militia may be divided into two classes, and designated as "volunteer militia," and "reserve militia," in such manner as shall be provided by law.

SEC. 7. The militia shall in all cases except felony, treason, or breach of the peace, be privileged from arrest, during their attendance at musters and elections of officers, and in going to and in returning from the same.

SEC. 8. The officers and men commissioned and organized shall not be entitled to, nor receive any pay, rations or emoluments, when not in actual service.

And sections 5th, 6th, 7th and 8th, were then adopted.

Mr. Coon of Dallas, moved to refer the report to the committee on the Constitution;

Which was agreed to.

Mr. Morgan of Wilcox, moved that the report of the committee on representation be taken up.

SECTION 1. The House of Representatives shall consist of not more than one hundred members, who shall be apportioned by the General Assembly among the several counties of the State according to the number of inhabitants in them respectively, and, to this end, the General Assembly shall cause an enumeration of all the inhabitants of the State to be made in the year one thousand eight hundred and seventy-five, and every ten years thereafter, and shall make an apportionment of the Representatives among the several counties at the first regular session after each enumeration, which apportionment when made, shall not be subject to alteration until after the next census shall have been taken; *Provided*, that each county shall be entitled to at least one Representative: *Provided further*, That when two or more adjoining counties shall each have a residuum or fraction over and above the ratio then fixed by law, which fractions, when added together, equal or exceed that ratio, in that case the county having the largest fraction, shall be entitled to one additional representative.

§ 2. Until the General Assembly shall make an apportionment of the Representatives among the several counties, after the first enumeration made as herein provided, the counties of Autauga, Baldwin, Baine, Bibb, Blount, Butler, Calhoun, Clay, Clarke, Cherokee, Cleburne, Crenshaw, Choctaw, Coffee, Conecuh, Coosa, Colbert, Covington, Dale, DeKalb, Elmore, Fayette, Franklin, Henry, Jefferson, Lauderdale, Limestone, Marshall, Marion, Monroe, Morgan, Pike, Randolph, St. Clair, Shelby, Walker, Washington and Winston, shall have one representative each. The counties of Chambers, Greene, Hale, Jackson, Lee, Lawrence, Macon, Pickens, Russell, Talladega, Tallapoosa, and Tuscaloosa, shall be entitled to two representatives each. The counties of Barbour, Bullock, Lowndes, Madison, Marengo, Perry, Sumter and Wilcox, shall be entitled to three representatives each. The counties of Dallas, Mobile and Montgomery shall be entitled to five representatives each; *Provided*, That in the formation of new counties, the General Assembly may apportion its proper representation.

§ 3. The whole number of senators shall be not less than one-fourth nor more than one-third of the whole number of representatives, and it shall be the duty of the General Assembly, at its first session after the making of each enumeration, as provided by section first of this article, to fix by law the number of senators, and to divide the State into as many senatorial districts as there are senators, which districts shall be as nearly equal to each other as may be, in the number of inhabitants, and each shall be entitled to one senator and no more; *Provided*, That no county shall be divided, and no two or more counties which are separated entirely by a county belonging to another district shall be joined in one district: *And provided further*, That the senatorial districts, when formed, shall not be changed until after the next census shall have been taken.

§ 4. Until the General Assembly shall divide the State into senatorial districts, as herein provided, the senatorial districts shall remain as follows:

1st district—Limestone and Lauderdale.
2d district—Colbert, Franklin and Lawrence.
3d district—Morgan, Blount, Winston and Marion.
4th district—Madison.
5th district—Jackson, Marshall and DeKalb.
6th district—Cherokee, Baine and Calhoun.
7th district—Walker, Jefferson and St. Clair.
8th district—Shelby and Bibb.
9th district—Tuscaloosa and Fayette.
10th district—Talladega and Clay.
11th district—Chambers, Randolph and Cleburne.
12th district—Coosa and Tallapoosa.
13th district—Lee.
14th district—Macon.
15th district—Russell.
16th district—Bullock.
17th district—Barbour.
18th district—Autauga and Elmore.
19th district—Montgomery.
20th district—Lowndes.
21st district—Dallas.
22d district—Perry.

23d district—Hale.
24th district—Greene and Pickens.
25th district—Sumter.
26th district—Marengo.
20th district—Choctaw, Clarke and Washington.
28th district—Mobile.
29th district—Monroe and Baldwin.
30th district—Wilcox.
31st district—Butler and Conecuh.
32d district—Covington, Crenshaw and Pike.
33d district—Coffee, Dale and Henry.

Sections 1st, 2d, 3d, and 4th, were then taken up and successively adopted.

Mr. Coon of Dallas, moved that section five be referred to a special committee of thirteen; two from each Congressional district, (chairman excepted);

Which was agreed to.

Mr. Griffin, moved to refer the sections adopted to the committee on the Constitution;

Which was agreed to.

The Convention adjourned until 3 P. M., to-day.

AFTERNOON SESSION.

November 21, 1867.

The Convention met pursuant to adjournment, Mr. President in the chair.

Mr. Buck of Mobile, from the committee on Preamble and Bill of Bights, submitted the report of that committee, and moved that it be laid upon the table, and printed with proceedings.

Mr. Bingham of Limestone, offered an amendment to the Bill of Rights, as an additional section, to-wit:

SEC. —. Governments are instituted for the common benefit, protection, security and welfare of peoples, communities, States and Nations, and when organized should be formed as a unit, and in perpetuity, until altered, modified or abolished, by a majority of all the people associated in the compact. This State, therefore, has no right to secede or withdraw from the government of the United States, or to pass any law in derogation of the Constitution and laws of the same, and secession is declared to be treason.

Mr. Griffin of Mobile, moved that it be printed with the preamble and bill, and it was so ordered.

Mr. Saffold of Dallas, moved that report of the committee on the Legislative department be taken up;

Which was agreed to.

Mr. Saffold moved the adoption of the first section;

Which was agreed to.

SEC. 1. The Legislative power of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

Mr. Norris of Elmore, moved the adoption of the second section.

Mr. Griffin of Mobile, moved to strike out all after the word "title."

Mr. Saffold moved to lay the motion on the table;

Which was agreed to.

SEC. 2. The style of the laws of this State shall be, "*Be it enacted by the General Assembly of Alabama.*" Each law shall contain but one subject, which shall be clearly expressed in its title; and no law shall be revised or amended unless the new act contain the entire act revised, or the section or sections amended; and the section or sections so amended shall be repealed.

The second section was then adopted.

Mr. Horton of Mobile, moved to change the time of holding elections, as provided in section three, to first Tuesday after the first Monday in November.

Mr. McGown of Tuscaloosa, moved to lay the motion on the table; which was agreed to.

SEC. 3. Senators and representatives shall be elected by the qualified voters on the first Monday in August. The term of office of the senators shall be four years, and that of the representatives two years, commencing on the day after the general election.

Section three was then adopted.

Mr. Ewing of Baine, moved to amend section four, that no person should be a representative that was unable to read and write.

Mr. Norris of Elmore, moved to lay the motion on the table;

Which was agreed to.

SEC. 4. No person shall be a representative unless he be a citizen of the United States, and shall have been an inhabitant of this State one year next preceding his election, and the last six months thereof a resident of the county or district for which he shall be chosen, and shall have attained the age of twenty-one years.

Section four was then adopted.

Mr. Norris of Elmore, moved to amend section five, by striking out 27, and inserting 25.

Mr. McGown of Tuscaloosa, moved to lay the motion on the table;

Which was agreed to.

SEC. 5. No person shall be a senator unless he be a citizen of the United States, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-seven years.

SEC. 6. Electors shall in all cases, except treason and felony, or breach of the peace, be privileged from arrest and civil process during their attendance at elections, and in going to and returning from the same.

Sections five and six were then successively adopted.

Mr. Morgan of Wilcox, moved to strike out all after the word ballot in section seven;

Which was agreed to.

SEC. 7. In all elections by the people, the electors shall vote by ballot.

And section seven as amended was adopted.

Mr. Skinner of Franklin, moved that when the Convention adjourn, it adjourn to 10 a. m.;

Which was agreed to.

SEC. 8. The House of Representatives shall consist of not more than one hundred members, who shall be apportioned by the General Assembly among the several counties of the State, according to the number of inhabitants in them respectively; and to this end the General Assembly shall cause an enumeration of all the inhabitants of the State to be made in the year one thousand eight hundred and seventy-five, and every ten years thereafter, and shall make an apportionment of the representatives among the several counties at the first regular session after each enumeration, which apportionment, when made, shall not be subject to alteration, until after the next census shall have been taken; *Provided*, That each county shall be entitled to at least one representative; *Provided further*, That where two or more adjoining counties shall each have a residum or fraction over and above the ratio then fixed by law, which fraction, which when added together, equals or exceeds that ratio, in that case, the county having the largest fraction shall be entitled to one additional representative.

SEC. 9. The General Assembly shall, at the first session after making every such enumeration, fix by law the whole number of senators, and shall divide the State into the same number of senatorial districts, as nearly equal in the number of inhabitants as may be, each of which districts shall be entitled to one senator, and no more ; *Provided*, That the whole number of senators shall never be less than one-third of the whole number of representatives.

SEC. 10. When a senatorial district shall be composed of two or more counties, the counties of which such district consists, shall not be entirely separated by any counties belonging to another district, and no county shall be divided in forming a district.

SEC. 11. At the first general election after each new apportionment, elections shall be held anew in all the senatorial districts; the senators elected, when convened at the next ensuing session of the General Assembly, shall be divided by lot into two classes, as nearly as may be; the seats of the senators of the first class shall be vacated at the expiration of two years, and those of the second class at the expiration of four years from the day of election, so that (except as above provided) one-half of the senators may be chosen biennially.

Sections 8, 9, 10, 11, were successively adopted.

Mr. Miller of Lowndes, moved to amend section twelve, by striking out the word annually and inserting after the word Senate "in the absence of the Lieutenant Governor";

Which was agreed to.

SEC. 12. The House of Representatives, when assembled shall choose a speaker and its other officers; and the Senate, in the absence of the Lieutenant Governor, shall choose a President and its other officers. Each house shall judge of the qualifications, elections and returns of its own members; but a contested election shall be determined in such manner as shall be directed by law. The president of the Senate and the speaker of the House of Representatives, shall remain in office until their successors are elected and qualified.

Section 12 as amended, was then adopted.

SEC. 13. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.

SEC. 14. Each house may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the Legislature of a free and independent State.

Sections 13 and 14 were then adopted.

The Convention then adjourned to 10 a. m. to-morrow, 22d inst.

SIXTEENTH DAY.

MONTGOMERY, Thursday, Nov. 22, 1867.

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer was offered by the Rev. Mr. Silsby of Dallas.

The roll of members was called, and a quorum being announced as present, the Convention proceeded to business.

The journal of yesterday's session was then read and approved.

Mr. Falmer of Pike, introduced an ordinance to allow Durham W. Siler to sit as Judge of Probate in all matters relating to the estate of Solomon Siler, deceased, and of the estate of Jane O. G. Siler, and the guardianship of three children;

Which was read the first time, and on motion of Mr. Greathouse of Tallapoosa, referred to the Committee on the Judicial Department.

Mr. Davis of Randolph, introduced an ordinance to divorce Sarah Pate and Thomas F. Pate;

Which was read a first time, and referred to the Committee on the Judicial Department.

Also, an ordinance upon the subjects of Exemption and Insolvency;

Which was read a first time, and referred to the Committee on the Judicial Department.

Mr. Wilhite of Winston, introduced an ordinance to amend Article 3, of the Constitution of 1819;

Which was read a first time, and referred to the Committee on the Judicial Department.

Mr. Ewing of Baine, introduced an ordinance to secure to the State of Alabama certain dues from the Alabama and Tennessee River Railroad Corporation, and moved that it be referred to a special committee of five, to be appointed by the chair;

Which was agreed to.

Mr. Peters of Lawrence, introduced an ordinance to provide for the levy and collection of a tax on the property of this State, necessary to pay the expenses of the Constitutional Convention of the State of Alabama, convened under the acts of Congress for the more efficient government of the rebel States:

Which was read a first time.

Mr. Peters of Lawrence, moved that it be referred to a special committee of seven.

Mr. Bingham of Limestone, offered an amendment that a committee be appointed with instructions to report an ordinance levying a tax upon the real estate of Alabama, to pay the expenses of the Convention.

Mr. Peters of Lawrence, moved that the amendment be laid upon the table.

Mr. Bingham of Limestone, demanded the yeas and nays, which being ordered taken, resulted as follows:

YEAS—Messrs. President, Adams, Alexander of Autauga, Alexander of Greene, Austin, Bingham of Talladega, Black, Bronson, Brainard, Buck, Buckley of Lowndes, Burdick, Cabot, Carraway, Collins, Davis, Deal, Dustan, Dykes, Ewing, Ely, Falmer, Graves, Greathouse, Green, Gregory, Griffin, Haughey, Hayes, Hurst, Horton, Howard, Inge, Jackson, Johnson of Russell, Jolly, Jones of Conecuh, Keffer, Kennemere, Latham, Lee, McGown, Mahan, McLeod, Martin, Masterson, Miller, Moore, Morton, Morgan, Norris, Peters, Plowman, Rapier, Robinson, Royal, Russell of Tallapoosa, Saffold, Semple, Skinner, Smith, Speed, Stewart, Stow, Towles, Walker of Jefferson, Whelan—67.

NAYS—Applegate, Autrey, Bingham of Limestone, Blackford, Blandon, Burton, Coon, Diggs, Garrison, Hatcher, Johnson of Henry, Jones of Madison, Lore, Russell of Barbour, Simmons, Springfield, Steed, Walker of Shelby, Wilhite—19.

The motion was therefore tabled, and the President appointed as the committee under the resolution:

Messrs. Peters, Semple, Austin, Reynolds, Rapier, McGown and Saffold.

Mr. Ewing of Baine, moved that the rules be suspended in order to reconsider the vote of yesterday, upon referring section 5 of the article reported by the Committee on Representation to a special committee;

Which was agreed to.

Mr. Haughey of Morgan, called the previous question on the motion to reconsider;

The motion to reconsider was then agreed to.

Mr. Griffin of Mobile, moved that the motion of yesterday to refer section 5 to a special committee be laid upon the table, and that the whole report of the Committee on Representation be referred to the Committee on the Constitution ;

Which was agreed to.

Mr. Keffer of Montgomery, (on leave,) introduced an ordinance to extend the time in which suits may be brought for trespass or wrongs to person or liberty ;

Which was read a first time, when Mr. Keffer moved that it be referred to the Committee on the Judicial Department.

Mr. Greathouse of Tallapoosa, moved that it be indefinitely postponed ;

Which was rejected, and the ordinance was therefore referred to the committee.

The report of the Committee on the Legislative Department was then taken up, and sections 15 to 23 inclusive were successively adopted.

Mr. Griffin of Mobile, moved to strike out of section 24th, the words : " or under this State, or under any other State or Government."

Mr. Ewing of Baine, moved to lay the amendment on the table.

On the motion to lay on the table, division was called for. The ayes were 31, and the nays 31. The President then voted in the affirmative. So the motion to lay on the table was agreed to.

Mr. Griffin of Mobile, moved to reconsider the vote taken upon section 23.

Which was rejected.

Mr. Saffold of Dallas, offered an amendment to section 24, to wit : insert in the beginning of the section, the words, " no member of Congress ;"

Which was rejected.

Section 24 was then adopted.

Mr. Bingham of Limestone, moved to amend section 25, by striking out the word " annually," and inserting " biennially ;"

Which was tabled by the following vote :

YEAS—Messrs. President, Adams, Alexander of Autauga, Alexander of Greene, Austin, Bingham of Talladega, Black, Blackford, Blandon, Brainard, Bronson, Buckley of Lowndes, Burdick, Burton, Cabot, Carraway, Collins, Deal, Dustan, Dykes, Ely, Ewing, Greathouse, Greene, Gregory, Griffin, Hatcher, Haughey, Hurst, Howard, Inge, Jackson, Johnson of Russell, Jolly, Jones of Conecuh, Keffer, Latham, Lee, Lore, McGown, Mahan, Martin, Miller, Moore, Morgan, Norris, Peters, Plowman, Rapier, Robinson, Rolfe, Royal, Russell of

Tallapoosa, Saffold, Towles, Walker of Jefferson, Walker of Shelby, Wheelan, Whitney—59.

NAYS—Messrs. Applegate, Autrey, Bingham of Limestone, Diggs, Falmer, Garrison, Graves, Johnson of Henry, Kennemere, McLeod, Masterson, Simmons, Skinner, Speed, Springfield, Steed, Stewart, Wilhite—18.

Sections 25 to 35 inclusive, were then successively adopted.

Mr. Morgan of Wilcox, offered a substitute for section 36;

Mr. Peters of Lawrence, moved that it be tabled;

Which was agreed to.

Sections 36 to 39 inclusive, were then successively adopted.

Mr. Peters of Lawrence, moved to strike out section 40.

Mr. Griffin of Mobile, offered an amendment as a substitute to section 40, pending which,

The Convention adjourned to 3 o'clock, p. m.

AFTERNOON SESSION.

3 o'clock—p. m.

The Convention met pursuant to adjournment, the President in the chair.

Mr. Gardner of Butler, from Special Committee, submitted the following report:

The committee to whom was assigned the duty of preparing a memorial to Congress, setting forth inequality of benefits accruing from the proceeds of the sixteenth sections, as now vested by townships, and praying that body to enact a law consolidating those proceeds, and providing for the distributiou *per capita*, according to the number of persons between the ages of five and twenty years in this State, respectfully beg leave to report, that upon examination of the matter, it is found that the Supreme Court of Alabama has given a decision on this subject, which will render nugatory any further action. The decision is given in the case of Long & Long *vs.* Brow *et al.* by Mr. Justice Ormond, 4th Alabama Reports, 622; and contains the following points: That the grant of sixteenth sections is in perpetuity to the inhabitants of the respective townships; that an act of Congress in regard to them conferred no power, nor had Congress any right whatever to interfere in the matter; that the legal title to the land is in the State, in trust for the inhabitants of the respective townships in which the land is situated. It also decides the propriety of the State giving her assent and providing the necessary machinery to carry out in action the wishes of the township, and the assent of the inhabitants may be expressed by a majority of the qualified electors.

It follows, therefore, that the proposed consolidation of the fund can be obtained only by a vote of the several townships assenting to such consolidation.

All of which is respectfully submitted.

S. S. GARDNER, Chairman.
J. W. McLEOD,
J. SILSBY,
G. HORTON,
B. W. NORRIS.

Which was accepted, and the committee discharged.

Mr. Peters of Lawrence, from the joint Committee on Finance and Taxation and Public Debt, submitted the following report:

Mr. President:—I am instructed by the Joint Committee of Finance and Taxation and Committee on Public Debt to submit the following communication received from His Excellency Gov. R. M. Patton, on the 11th inst., stating in detail the bonded debt of the State of Alabama, and the disposition made of new bonds issued by authority of law to the amount of fifteen hundred thousand dollars, for the funding of interest past due, &c., and we would ask that it be printed with the proceedings of the Convention.

THOS. M. PETERS,
Chairman *pro tem.* on Finance and Taxation.

EXECUTIVE DEPARTMENT, STATE OF ALABAMA,
Montgomery, November 11, 1867.

Hon. R. M. Reynolds and Wm. A. Austin, Chairmen, &c.:

GENTLEMEN:—I have the honor to submit the following statement, in compliance with your request, to be furnished such information as will show the financial condition of the State at the present time:

On the 10th of January, 1861, the bonded debt of Alabama was $3,445,000. Of this amount, $2,109,000 is payable in New York; the remainder, $1,336,000 is payable in London. On the New York bonds the interest is five per cent. per annum, to be paid semi-annually on the first of May and first of November. Regular payment of this interest was necessarily interrupted by the war. The last dividend paid was on the first of November, 1862. Hence, at the close of the war, the State owed all the interest that accumulated from that time. There was no money in the treasury, and it became an important question to determine how this interest should be paid. The amount due, including that to be paid in November, 1866, was $473,850. In the impoverished condition of the country, it would have been cruelly oppressive to impose an immediate tax to raise the amount, over and above what was indispensably necessary to defray the ordinary expenses of the State Government.

This being the case, I proposed by correspondence and personal conference with our New York creditors, to pay the accumulated interest in bonds bearing interest at the same rate as the bonds upon which the interest had accrued. In other words, to fund this unpaid interest into a bonded debt. This proposition was accepted, and the Legislature passed an act giving authority for that mode of payment. In this way the interest past due was paid, and also that for the first of November, 1866. By this arrangement, the amount of the New York bonds was increased to $2,582,850. The semi-annual interest due on this amount on the first of May last, was regularly paid ; and provision has been made for that due the first of the present month, as the coupons are presented in New York.

Of the London bonds, $648,000 bear five per cent. interest, and $688,000 six per cent. The interest on all of these bonds was paid up to, and including, the dividend for January 1, 1865. For the interest from that time to, and including, the dividend due January 1, 1867, an arrangement was made similar to that in regard to New York bonds. This makes $1,482,560, as the aggregate of the bonded debt payable in London. Total amount of bonded debt, payable in London and New York, $4,065,410.

These bonds were issued in 1843, 1845, and 1846. They were to run twenty years ; though, in the laws authorizing them, the State reserved the right to extend them at maturity. This stipulation appears upon the face of each bond issued. By acts of the Legislature passed since the war, it was provided that all of the bonds be extended for twenty years longer. The necessary bonds were accordingly prepared, and substituted for the original ones.

By act of the Legislature of December 15, 1865, authority was given for the issue of bonds to an amount not exceeding a million and a half of dollars. The bonds were to bear interest not to exceed eight per cent. per annum, and were to be disposed of to the best advantage, for the financial purposes of the State.

In an act subsequently passed, it was provided that so much of said bonds as might be necessary for the purpose, should be used to fund the interest past due in London and New York. This was done in the manner above stated.

Of the eight per cent. bonds, the amount of $5,000 was disposed of at par to the State Insane Hospital. They were taken as part payment of what the State owed that institution, under laws enacted prior to January 10, 1861. In addition to this, the amount of $48,500 was sold at par in St. Louis, Cairo, and elsewhere, to purchase supplies for the destitute, and to pay transportation therefor. A further amount of $2,000 was sold for cash at par in Mobile. This makes an aggregate of $55,500 of these eight per cent. bonds now held against the State.

Under the operation of our revenue laws, no State taxes were collected since the close of the war, until the last calendar quarter of 1867; and tax collectors were not required to make their returns until after the close of that quarter. Consequently, throughout the year 1866, there were no regular receipts at the treasury, except inconsiderable sums derived from licenses. In the meantime, it was necessary to resort to temporary loans to carry on the State government. Loans were negotiated at different times, under authority of laws enacted for that purpose. When these loans were negotiated, eight per cent. bonds were hypothecated as collateral security for payment. This was deemed more advantageous for the State's interest than to offer the bonds regularly in the market in the then peculiar condition of the State.

The taxes for 1866, amounted in the aggregate, to $676,476 54. Of this amount, $413,849 07 was required for school purposes. This left for the other regular State expenses, $262,627 47; and hence, a further resort to temporary loans was indispensable for a portion of the State's expenses for the present year. The total amount of these loans negotiated up to the present, is $400,000, for which bonds to the amount of $598,000 have been hypothecated. If it becomes necessary to sell these bonds to pay the loans, there is every reason to believe that they may be readily disposed of in the money market at advantageous rates as soon as the political condition of the State becomes definitely settled.

In addition to the bonded debt, the State holds in trust for common school purposes, the sum of $1,710,157 45. The annual interest on this amount is $102,600. Then there is the University fund of $300,000 the interest upon which, at eight per cent., is $24,000 per annum. These amounts are held in trust by the State in perpetuity, and the interest is applied to the purposes respectively of supporting common schools and the State University.

The State notes, commonly known as "tax certificates," or "receipts," are now readily taken and circulated by all classes of business men. They enjoy, as they deserve, the entire confidence of bankers and others.

It is provided in the law authorising these notes, that the aggregate amount issued shall not exceed $400,000. The amount of them now in circulation is nearly $100,000, a large portion of which has been paid out at the treasury within the last few days, in discharge of legitimate demands against the State.

The figures embraced in the above statement may be thus recapitulated:

Am't 5 per ct. bonds payable in London in 1866, and extended 20 years,	$648,000	
Back interest on same, funded with 5 per cent. bonds	64,000	
Amount of 6 per cent. bonds payable in London	688,000	
Back interest on same, funded with 6 per cent. bonds	82,660—	$1,482,560
Amount of 5 per cent. bonds payable in New York	2,109,000	
Back interest on same, funded with 5 per cent. bonds	473,850—	2,582,850
Amount of 8 per ct. bonds sold in 1866		55,500
Total bonded debt		$4,120,910
Amount of common school trust fund,	1,710,000	
University fund	300,000—	2,010,000
Total am't upon which State pays int.		$6,139,000

The following tabular statement will show the condition of the bonds authorized by the act of December 15, 1865:

Maximum amount to be issued		$1,500,000
Amount funded in payment of interest on New York bonds	$473,850	
Amount funded in payment of interest on London bonds	146,560	
Amount hypothecated in New York	598,000	
Amount sold	55,500—	1,273,010
Leaving a balance undisposed of		$226,090

Very respectfully, your obedient servant,

R. M. PATTON, Governor of Alabama.

And moved that the reading be waived and the report printed with proceedings of the day;

Which was agreed to.

Mr. Ely of Russell, from the Committee on Oath of Office, submitted a majority report, and moved that it be tabled and printed with the proceedings of the day;

Which was agreed to.

Mr. Graves of Perry, from the same committee, submitted a minority report, and moved that it be tabled and printed with the proceedings of the day;

Which was agreed to.

Mr. Haughey of Morgan, moved that the rules be suspended in order that he be allowed to offer a substitute for the oath reported by the committee;

Which was rejected.

Mr. Keffer of Montgomery, moved that the vote by which the report of the majority of the Committee on Oath of Office had been received, be reconsidered.

Mr. Greathouse of Tallapoosa, moved to lay the motion on the table;

Which was agreed to.

Mr. Keffer then moved that the vote by which the minority report of the same committee had been received, be reconsidered;

Mr. Greathouse of Tallapoosa, moved that the motion be laid upon the table;

Which was agreed to.

Mr. Semple of Montgomery, from the Committee on Ordinances and State Government, offered a resolution, to-wit:

Resolved, That the Committee on Ordinances and State Government have leave to act and report after their next meeting, whether a majority of the committe be present at such meeting or not;

Which was adopted.

The consideration of the 40th section of Legislative Reports was then resumed.

Mr. Saffold of Dallas, moved that the amendments of Mr. Peters and Mr. Bingham, pending which, the Convention had adjourned in the forenoon, be laid upon the table;

On which, Mr. Bingham demanded the yeas and nays, and which being ordered, stood:

YEAS—Messrs. President, Alexander of Greene, Applegate, Austin, Autry, Bingham of Limestone, Black, Blackford, Brunson, Buck, Buckley of Lowndes, Cabot, Carraway, Collins, Deal, Dustan, Ewing, Falmer, Greathouse, Gregory, Hayes, Hurst, Horton, Howard, Inge, Jackson, Johnson of Russell, Jolly, Jones of Conecuh, Jones of Madison, Kennemere, Latham, McGown, Mahan, Miller, Moore, Norris, Russell of Barbour, Russell of Tallapoosa, Saffold, Semple, Simmons, Smith, Speed, Stewart, Stow, Towles, Walker of Jefferson, Wheelan, Wilhite—50.

NAYS—Messrs. Adams, Blandon, Brainard, Burdick, Davis, Diggs, Ely, Graves, Griffin, Hatcher, Keffer, Lee, Lore, McLeod, Morgan, Peters, Plowman, Rapier, Robinson, Royal, Springfield, Whitney—22.

And the amendments were therefore tabled.

Mr. Semple of Montgomery, offered an amendment, (as an addition to section 40,) to-wit:

By a two thirds vote of each House of the General Assembly;

Which was adopted;

And section 40, as amended was adopted.

SEC. 40. The State shall not engage in works of internal improvements; but its credit in aid of such may be pledged by the Legislature on undoubted security.

Mr. Haughey of Morgan, offered an amendment, as an additional article to be entitled section 41:

SEC. 41. That the limitations imposed in section forty-one should not apply to any aid which may be given by the State to the building of the North and South Railroad, extending from Montgomery to Decatur.

Mr. Griffin of Mobile, moved that it be tabled;

Which was agreed to.

Mr. Morgan of Wilcox, gave notice that he should to-morrow move for a reconsideration of the vote by which section 40 was adopted.

Sections 41, 42, and 43 were adopted.

§ 41. No special bank charter shall be granted; but the Legislature may enact a general banking law, by the provisions of which the bill holders shall be protected from loss by pledges or deposites of property affording ample security.

§ 42. Every bill or resolution, having the force of law, to which the concurrence of both Houses of the Legislature may be necessary, except on a question of adjournment, which shall have passed both Houses, shall be presented to the Governor, and if he approve, he shall sign it; if not, he shall return it with his objections to the House in which it shall have originated; who shall enter the objections at large on its journals and proceed to reconsider it. If after such reconsideration, two-thirds of that House shall agree to pass it, it shall be sent, together with the objections, to the other House, by which it shall be reconsidered, and, if approved by two-thirds of that House, it shall have the same effect as if it had been signed by the Governor; but in all such cases, the votes of both Houses shall be taken by yeas and nays, and the names of the persons voting for and against the bill or resolution shall be entered on the journals of both Houses respectively. If the bill or resolution shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, it shall have the same force and effect, as if he had signed it, unless the Legislature, by its adjournment, prevent its return, in which case it shall not be a law.

§ 43. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, (except on questions of adjournment and for bringing on elections by the two Houses,) shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by both Houses, according to the rules and limitations prescribed in the case of bills.

Mr. Hurst of Coosa, moved to strike out section 44.

Mr. Morgan of Wilcox, moved to lay the motion on the table;

Which was agreed to.

Mr. Graves of Perry, offered a substitute for section 44;

Which was tabled.

Mr. Norris of Elmore, moved to substitute "in" for "under" where it occurs in the section;

Which was tabled.

Mr. Graves of Perry, moved an amendment, to-wit:

Provided, That the Legislature may remove such disabilities;

Which was tabled.

Section 44 was then adopted.

§ 44. Any citizen of this State, who shall after the adoption of this Constitution, either in or out of the State, fight a duel with deadly weapons, or send or accept a challenge so to do, or who shall act as a second, or knowingly aid or assist in any manner, those thus offending, shall be incapable of holding any office under this State.

Mr. Griffin of Mobile, offered an additional section, to be called section 45.

Mr. Greathouse of Tallapoosa, moved to lay it upon the table.

Mr. Griffin demanded the yeas and nays, which being ordered taken, resulted as follows:

YEAS—Messrs. President, Alexander of Greene, Austin, Black, Buckley of Lowndes, Burdick, Burton, Cabot, Collins, Deal, Dykes, Ely, Ewing, Falmer, Graves, Greathouse, Hayes, Hurst, Howard, Inge, Jackson, Johnson of Russell, Jones of Conecuh, Jones of Madison, Latham, McGown, Mahan, Martin, Masterson, Miller, Morgan, Peters, Plowman, Rapier, Robinson, Royal, Russell of Tallapoosa, Saffold, Semple, Silsby, Smith, Speed, Steed, Stewart, Stow, Strange, Walker of Jeffe.son, Wheelan, Yordy—49.

NAYS—Messrs. Adams, Applegate, Autrey, Bingham of Talladega, Bingham of Limestone, Blackford, Blandon, Brainard, Brunson, Buck, Buckley of Montgomery, Carraway, Coon, Davis, Diggs, Finley, Gardner, Garrison, Gregory, Griffin, Hatcher, Haughey, Horton, Keffer, Kennemere, Lee, Lore, McLeod, Moore, Norris, Rolfe, Russell of Barbour, Simmons, Skinner, Springfield, Strother, Whitney, Wilhite—38.

An adjournment was called for, but lost.

Mr. Gardner of Butler, from the Committee on Education and School Funds, submitted a report.

Mr. Griffin of Mobile, moved that the reading be waived, and the report received and printed with the proceedings of the day;

Which was agreed to.

Mr. Morgan of Wilcox, moved the adoption of sections 45 and 46 of the report of the Committee on the Legislative Department;

Which was agreed to.

And they were adopted.

§ 45. The General Assembly shall not have power to authorize any municipal corporation to pass any laws contrary to the general laws of the State, nor to levy a tax on real and personal property to a greater extent than two per centum of the assessed value of such property.

§ 46. In the event of the annexation of any foreign territory to this State, the General Assembly shall enact laws extending to the inhabitants of the acquired territory all the rights and privileges which may be required by the terms of the acquisition, anything in this Constitution to the contrary notwithstanding.

Mr. Bingham of Limestone, offered an amendment as an additional section.

§ —. The General Assembly shall have no power to lay a poll tax upon any citizens of this State, except for school purposes.

Mr. Morgan of Wilcox, moved that it be laid upon the table;

Which was rejected.

Mr. Morgan then moved that the report be referred to the Committee on the Constitution;

Pending which, the Convention adjourned until to-morrow, the 22d inst., at 10 o'clock a. m.

SEVENTEENTH DAY.

Montgomery, Ala., Nov. 23, 1867—10 a. m.

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer was offered by the Rev. Mr. Strother of Dallas.

The roll was then called and a quorum being present, the Convention proceeded to business.

The journal of the previous session was read and approved.

The President then announced the following as the committee to be appointed in compliance with the resolution adopted on yesterday, to whom should be referred the ordinance introduced by Mr. Ewing of Baine, relative to moneys due the State from the A. & T. Rivers Railroad Company, to-wit: Messrs. Ewing, Saffold, Semple, Peters, Greathouse.

The unfinished business of yesterday, to-wit: The proposed additional section to the article reported by the committee on Legislative Department offered by Mr. Bingham of Limestone;

Was then taken up, and the section adopted.

Mr. Griffin of Mobile, gave notice, that he should on Monday next move the reconsideration of the vote by which a proposed section to the article, reported by the committee on Legislative Department to be numbered "45," and offered by him on Friday, had been tabled.

Mr. Norris of Elmore, moved that the vote by which section four and five of article reported by committee on Legislative Department had been adopted, be reconsidered;

Which was agreed to.

Mr. Norris of Elmore, then offered as a substitute for section four, the following:

No person shall be a representative unless he shall have been an inhabitant of this State one year next preceding his election, and the last three months thereof, of the county or district for which he shall be chosen, and shall have attained the age of twenty-one.

Mr. Ewing of Baine, moved to amend by striking out "three," and insertng "six," before "months."

Mr. Griffin of Mobile, moved to lay the amendment on the table, and make the proposed section read as regularly offered.

Mr. Greathouse of Tuscaloosa, moved to lay the substitute on the table, and demanded the yeas and nays, which being ordered, stood:

YEAS—Messrs. President, Adams, Alexander of Autauga, Austin, Autry, Blackford, Brunson, Cabot, Collins, Davis, Deal, Falmer, Greathouse, Hayes, Hurst, Howard, Johnson of Henry, Jolly, Latham, McGown, Mahan, Martin, Masterson, Morton, Peters, Rolfe, Russell of Barbour, Russell of Tallapoosa, Semple, Simmons, Skinner, Speed, Stow, Strange, Towles, Walker of Jefferson, Wheelan, Whitney—37.

NAYS—Messrs. Alexander of Greene, Applegate, Bingham of L., Bingham of T., Black, Blandon, Buck, Buckley of Lowndes, Buckley of Montgomery, Burdick, Burton, Carraway, Coon, Diggs, Dustan, Dykes, Ely, Ewing, Finley, Garrison, Graves, Greene, Gregory, Griffin, Hatcher, Horton, Inge, Johnson of Russell, Jones of Conecuh, Jones of Madison, Keffer, Kennemere, Lee, Lore, McLeod, Miller, Moore, Morgan, Norris, Plowman, Rapier, Robinson, Royal, Saffold, Silsby, Smith, Springfield, Steed, Stewart, Strother, Wilhite, Yordy—52.

And the motion to table was lost.

Mr. Norris of Elmore, then moved the adoption of the substitute offered by himself.

Mr. Semple of Montgomery, offered the following in lieu of the substitute proposed by Mr. Norris:

No person shall be a representative, unless he is eligible as an elector to vote for members of the General Assembly;

Which was agreed to.

On the question of adopting the substitute for the original section, it was rejected.

Mr. Keffer of Montgomery, moved a reconsideration of the vote by which it was rejected;

Which was agreed to.

Mr. Norris of Elmore, then moved that the substitute proposed by Mr. Semple, be adopted.

A division being called for, stood—yeas 43, nays 29.

And it was therefore adopted.

Mr. Semple of Montgomery, offered the following as a substitute for section five:

No person shall be a senator unless he be eligible as an elector to vote for members of the General Assembly, and shall be twenty-one years of age, and shall have resided for two years within the State, and for the last year thereof within the district for which he shall be chosen;

Which was adopted.

The chair ruling that the vote to adopt the substitute for the original section was equivalent to adopting the amended section.

On the appeal of Mr. Keffer of Montgomery, the Convention sustained the decision of the chair.

Mr. Ewing of Baine, offered the following, as a new section to be entitled section 48:

§ —. Any person holding office of profit or trust under this State, and tendering his resignation, the same shall not be accepted until a successor be appointed or elected;

Which was rejected.

Mr. Bingham of Limestone, offered an amendment to an article of the Constitution, and moved that it be tabled and printed with the proceedings of the day;

Which was agreed to.

Mr. Strange of Macon, from the committee on Corporations, submitted a report.

Mr. Griffin of Mobile, moved that it be tabled, the reading waived and printed with the proceedings;

Which was agreed to.

Mr. Peters of Lawrence, from the committee on Finance and Taxation, reported

An Ordinance to provide for the levy and collection of a tax on the property of the State of Alabama, convened under the acts of Congress for the more efficient government of the rebel States;

Which was read first time.

Mr. Peters moved that the rules be suspended, and the ordinance read a second and third time, and put upon its final passage.

Mr. Wheelan moved to lay it upon the table;

Which was rejected.

The motion of Mr. Peters was then agreed to, and the ordinance was passed.

Mr. Jones of Conecuh, moved a suspension of the rules in order that he might move a reconsideration of the vote by which section "four" of article reported by committee on Legislative Department had been adopted;

Which was agreed to, on a division, to-wit: Yeas 49, nays not counted.

Mr. Jones of Conecuh, then moved that the vote be reconsidered.

Mr. Bingham of Limestone, moved that action on the question be suspended in order to allow standing committees to report;

Which was agreed to.

Mr. Strange of Macon, from the committee on Ordinances and State Government, submitted a report, and introducing "An Ordinance granting a stay on certain judgments and decrees of the several courts of this State," recommend its adoption.

Mr. Strange, from the same committee, reported a section to be incorporated in the Constitution, as follows:

All debts contracted by the citizens of Alabama to each other previous to July 21st, 1865, whether by bond, bill, note, account, agreement, by mortgage or judgments or decree of any court of this State, including fiduciary debts or demands for the payment of money, though the same may have been renewed since, which are still unpaid in whole or in part, shall be extinguished and satisfied by the payment of twenty per centum of the principal or original amount of said debtor unpaid balance of said debt, not including the interest, in two equal annual instalments bearing eight per cent., including interest commencing from the date of the ratification of this Constitution by the people, and where suit has been instituted or legal proceedings commenced on such debts the costs shall be satisfied in the same rates. If the consideration of the debt was the purchase of real estate and the title thereto has been made, and the obligation has not been transferred by the original holder, said debt shall be satisfied as above by the payment of one-third of the original amount of said debt, or unpaid balance, if any payment has been made.

§ —. If the real estate of the debtor has been sold for the payment of any of the debts described in section —, and bought by the creditor and now in his possession, said real estate may be redeemed by the debt, or his heirs or legal representatives on the same terms as stated in section —.

§ —. The provisions of sections — and — shall not apply to debts, judgments, decrees or mortgages barred by the statute of limitations.

Mr. Strange of Macon, from the committee on ordinances and State Government, to which had been referred "An Ordinance declaring the status of Alabama, and for other purposes," reported back the same, with a recommendation that it be adopted.

Mr. Strange, from the same committee, reported back "An Ordinance for the relief of Eleanor M. Bross," with a recommendation that it be adopted.

Mr. Strange, from the same committee, reported back "An Ordinance to ratify certain acts, judgments, and other proceedings therein mentioned, with a recommendation that it be adopted.

Mr. Strange, from the same committee, reported back "An Ordinance to abolish the new county of Colbert, formed and established by the last General Assembly of this State," with a recommendation that it be adopted.

Mr. Strange, from the same committee, reported back "An Ordinance relative to the apprenticing of colored children," with a statement that the military orders had been issued accomplishing the objects contemplated by the ordinance, and that its adoption by the Convention was unnecessary.

Mr. Strange, from the same committee, reported back the following ordinances, with a statement that they were covered by provisions of the Constitution already adopted, viz:

"An Ordinance prohibiting slavery;"

"An Ordinance declaring the ordinance of secession treason, and null and void;"

"An Ordinance in relation to colored citizens of the State of Alabama."

Mr. Strange, from the same committee, reported back "An Ordinance to declare void judgments rendered, where the consideration was for the purchase money of slaves, and to declare what shall be recovered in suits hereafter brought;" with a statement that the same was covered by ordinances already reported to the Convention.

Mr. Strange, from the same committee, reported back "An Ordinance declaring the status of Alabama during the existence of the period of the rebellion;" with a statement that it was covered by another ordinance.

Mr. Strange, from the same committee, reported back "An Ordinance in relation to slavery and the abolition thereof," with a statement that it was embraced in another report.

Mr. Strange, from the same committee, reported back "An Ordinance prohibiting defaulters from holding office," with a statement that it was covered in report of the committee on Legislative Department.

Mr. Strange of Macon, from same committee, reported back "An Ordinance to establish a Provisional Government," adversely to its passage.

Mr. Strange, from the same committee, reported back "An

Ordinance to increase the Common School Fund of this State," with recommedation that it do not pass.

Mr. Strange, from the same committee, reported back the following ordinances, with recommendation that they be referred to the committee on County and Municipal Organizations, viz:

"An Ordinance to change the name of Cleburne county to Lincoln";

"An Ordinance to change the name of Calhoun county to Benton."

Mr. Strange, from the same committee, reported back the following ordinances, with recommendation that they be referred to the committee on Legislative Department, viz:

"An Ordinance to aid the Savannah and Memphis Railroad."

"An Ordinance providing a general mode of determining the eligibility and permanence of county seats of justice."

"An Ordinance to change the compensation of Registers in Chancery, in certain cases."

Mr. Strange, from the same committee, reported back the following ordinances, with statement that they were covered by articles already reported for incorporation in the Constitution, viz:

"An Ordinance adjusting the indebtedness between the citizens of Alabama."

Mr. Strange, from the same committee, reported back a resolution in regard to the expediency of passing an ordinance providing that the colored people be authorized to collect an equivalent for their services from the date of the Emancipation Proclamation to the close of the war, with request that it be referred to the committee on Judicial Department.

Mr. Burton of Marengo, from the committee on Tax on Cotton, submitted the following report:

MONTGOMERY, ALA., NOV. 21, 1867.

Your committee to whom was referred the resolution to memorialize Congress on the repeal of the tax on spirits of turpentine, respectfully report that they have had the subject under consideration, and conclude, that while they fully recognize the importance and necessity of the removal of said tax, yet, at this time, it would be inexpedient for this body to present such a memorial, for the reason that the necessity for *immediate* action on the part of Congress toward the removal of this tax, is not so clearly apparent as in the case of the tax on cotton.

We, therefore, recommend that further action upon the subject be referred to the next General Assembly, when it is believed that with the united action of representatives in Congress, from this and other Southern States, the desired result may be obtained and the tax removed.

PIERCE BURTON, Ch'n.
A. E. BUCK,
GEORGE ELY,
C. W. DUSTAN,
L. R. SMITH,
T. TOWLES,
A. W. JONES,
B. O. MASTERSON,
ARTHUR BINGHAM,
A. J. APPLEGATE.

Which was tabled and ordered printed with the proceedings.

The consideration of the report of the committee on Legislative Department was then resumed.

Mr. Morgan of Wilcox, offered the following as a substitute for section forty:

§ 40. The State of Alabama shall not pledge her credit unless a law be provided by the Senate or House of Representatives, and agreed to by a majority of each House, and a vote entered on the journal, and then referred to the next succeeding Legislature, and published for three months previous to the next regular election in three newspapers of the State, and unless a majority of each branch of the Legislature so elected, shall agree to pass such law, and in such case the yeas and nays shall be taken and entered on the journal of each House.

Mr. Bingham of Limestone, offered an amendment:

"*Provided*, That every railroad company that may receive the credit of this State in furtherance of such road shall pay into the State Treasury an annual tax, to be fixed by the General Assembly at the time of giving such credit, not exceeding fifty thousand dollars.

Mr. Keffer of Montgomery, moved that the substitute and amendment thereto, be laid upon the table.

Mr. Bingham of Limestone, demanded the yeas and nays, which being ordered, stood:

YEAS—Messrs. President, Adams, Austin, Autry, Blackford, Brainard, Bunson, Buckley of Lowndes, Buckley of Montgomery, Burton, Cabot, Coon, Diggs, Dustan, Ely, Ewing, Falmer, Finley, Gardner, Graves, Hatcher, Haughey, Hurst, Horton, Jolly, Keffer, Latham, Lee, Lore, McGown, Mahan, McLeod, Martin, Masterson, Meadors, Miller, Morton, Norris, Rapier, Saffold, Semple, Silsby, Smith, Stewart, Stow, Walker of Jefferson, Wheelan, Wilhite—48.

NAYS—Messrs. Alexander of Greene, Applegate, Bingham of Limestone, Bingham of Talladega, Blandon, Buck, Carraway, Davis, Deal, Dykes, Garrison, Greathouse, Green, Griffin, Hayes, Inge, Jackson, Jones of Conecuh, Jones of Madison, Moore, Morgan, Peters, Plowman, Robinson, Royal, Russell of Tallapoosa, Simmons, Skinner, Springfield, Steed, Strange, Strother, Towles, Walker of Shelby, Whitney, Yordy—37.

And both propositions were therefore tabled.

Mr. Morgan of Wilcox, offered an amendment to section forty:

"*Provided*, The credit of the State shall not be given or loaned in aid of any individual association or corporation, unless the object for which the State credit and the term for which said credit is to be loaned shall have been submitted to the people at the next general election, and shall have received a majority of all the votes of the qualified electors at such general election in favor of such law."

Mr. Haughey of Morgan, moved that the amendment be tabled;

Which was agreed to.

Mr. Keffer of Montgomery, moved the previous question.

The motion was sustained, and the previous question was ordered and put, being the adoption of section forty;

Which was adopted.

Mr. Keffer of Montgomery, then moved that the article reported by the committee on the Legislative Department, be referred to the committee on the Constitution;

Which was agreed to.

Mr. Smith of Choctaw, moved that when Convention adjourn to-day, it adjourn to meet at 3 o'clock, p. m.;

Which was agreed to.

Mr. Miller of Lowndes, at the request of the President, then took the chair.

Mr. Buck of Mobile, moved that the report of the committee on Preamble and Bill of Rights, be taken up;

Which was agreed to.

The preamble was then adopted, to-wit:

PREAMBLE.

We, the people of the State of Alabama, by our representatives in Congress assembled, in order to establish justice, ensure domestic tranquillity, provide for the common defense, promote the general welfare, and secure to ourselves and to our posterity the right of life, liberty and property, invoking the favor of Almighty God, do ordain and establish the following Constitution and form of government for the State of Alabama.

Mr. Buck moved to insert in section one of the Bill of Rights, after civil, the words "and political";

Which was agreed to.

And section one as amended, was adopted.

DECLARATION OF RIGHTS.

That the great and essential principles of liberty and free government may be recognized and established, we declare—

§ 1. "That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness," and that all persons and classes in this State, who are, or may be declared citizens of the United States, by the Constitution thereof, are hereby declared citizens of the State of Alabama, possessing equal civil and political rights and public privileges, without distinction of race, color or previous condition."

Section two was then adopted.

§ 2. "That all political power is inherent in the people, and all free governments are founded on their authority, and are instituted for their benefit, and that, therefore, they have, at all times, an inherent right to change their form of government, in such manner as they may deem expedient, subject, in all respects, to the Constitution and laws of the United States."

Mr. Moore of Baldwin, moved to amend section three, by adding at the end of section, the words "or lawful rights";

Which was rejected.

Section three, as originally reported, was then adopted.

§ 3. "That no person shall be deprived of the inestimable right to worship God according to the dictates of his own conscience; nor be hurt, molested, or restrained in his religious professions, or sentiments; *Provided,* he does not disturb others in their religious worship."

Sections four, five and six, were then successively adopted.

§ 4. "That no religion shall be established by law; that no preference shall be given by law to any sect, society, denomination, or mode of worship; that no one shall be compelled by law to attend any place of worship, nor to pay any tithes, taxes or other rate for building or repairing any place of worship, or for maintaining any minister or ministry; that no religious test shall be required as a qualification to any office, or public trust under this State; and that the civil rights and privileges, and capacities of any citizen shall not be in any manner affected by his religious principles."

§ 5. "That any citizen may freely speak, write and publish his sentiments, on all subjects, being responsible for the abuse of that liberty."

§ 5. "That the people shall be secure in their persons, houses, papers and possessions from unreasonable seizures, or searches, and that no warrant shall issue to search any place, or to seize any person or thing without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation."

Mr. Bingham of Limestone, offered an amendment to section seven, by inserting after the word "committed" the words "without the unanimous consent of which he shall not be convicted."

Mr. Greathouse of Tallapoosa, moved to lay the amendment on the table;

Which was agreed to.

Mr. Applegate of Madison, moved to strike out the word "but" in last line and insert "except";

Which was agreed to.

Section seven as amended, was then adopted.

§ 7. "That in all criminal prosecutions, the accused has a right to be heard by himself or counsel, or either, to demand the nature and cause of accusations, to have a copy thereof, to be confronted by the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and in all prosecutions by indictments or information, a speedy public trial, by an impartial jury of the county or district in which the offense was committed, and that he shall not be compelled to give evidence against himself, nor be deprived of his life, liberty or property, except by due course of law."

Sections eight, nine and ten, were successively adopted.

§ 8. "That no person shall be accused, or arrested, or detained, except in cases ascertained by law and according to the forms which the same has prescribed, and that no person shall be punished, but by virtue of a law established and promulgated prior to the offense, and legally applied."

§ 9. "That no person shall for any indictable offense, be proceeded against criminally, by information, except in cases arising in the land and naval service, or in the militia when in actual service, or by leave of the court, for oppressions or misdemeanor in office; *Provided*, That in cases of petit larceny, assault, assault and battery, affray, unlawful assemblies, vagrancy, and other misdemeanors, the General Assembly may by law dispense with a grand jury and authorize such prosecution before justices of the peace, or such other inferior courts as may be by law established; the proceedings in such cases shall be regulated by law."

§ 10. "That no person shall, for the same offense, be twice in jeopardy of life and limb."

Mr. Gardner of Butler, moved that the vote by which section four had been adopted, be reconsidered;

Which was rejected.

Sections eleven and twelve, were then adopted.

§ 11. "That no person shall be debarred from prosecuting or defending before any tribunal in the State, by himself or counsel, or either, in any civil cause to which he is a party."

§ 12. "That the right of trial by jury shall remain inviolate."

Mr. Carraway of Mobile, offered an amendment as a new section, to be called section thirteen.

§ —. The political equality of all men before the law, without regard to race, color, or previous condition, shall be held inviolate, and no Legislature shall have power to deprive, by enactments, any citizen of this right..

Pending the consideration of which, the hour of adjournment having arrived, the Convention adjourned to 3:30 p. m.

AFTERNOON SESSION.

3:30—p. m.

The Convention re-assembled pursuant to adjournment, the President, E. W. Peck, in the chair.

There being a doubt as to the presence of a quorum, Mr. Smith of Choctaw, requested that the roll be called. There proving to be a quorum present, the unfinished business of the morning session was then taken up, viz: The consideration of the proposed section offered by Mr. Carraway of Mobile.

Mr. Burton of Marengo, moved that it be tabled;

Which was agreed to.

§13. That in prosecution for the publication of papers investigating the official conduct of officers, or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; that in all indictments for libels the jury shall have the right to determine the law, and the facts under the direction of the court.

for§ 14. That all courts shall be open; and that every person, any injury done him, in his lands, goods, person, or reputation, shall have a remedy by due process of law, and right and justice administered without sale, denial or delay.

§ 15. That suits may be brought against the State in such manner and in such courts as may be by law provided.

§ 16. That excessive fines shall not be imposed, nor cruel punishments be inflicted.

Sections 13, 14, 15, 16, were then successively adopted.

Mr. Buck of Mobile, moved to amend the 17th section by striking out "bailed" and inserting "bailable"; and also striking out "where" and inserting "when";

Which was agreed to.

§ 17. That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, when the proof is evident or the presumption great; and that excessive bail shall not, in any case, be required.

Section 17, as corrected, was adopted.

§ 18. The privileges of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion, or invasion, the public safety may require it.

§ 19. That treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

§ 20. That no person shall be attainted of treason by the General Assembly, and that no convictions shall work corruption of blood or forfeiture of estate.

Sections 18, 19, 20, were then adopted.

Mr. Wheelan of Hale, moved that section 21 be laid upon the table;

Which was rejected.

Mr. Morgan of Wilcox, moved to strike out all after the word "debt";

Which was agreed to.

§ 21. That no person shall be imprisoned for debt.

Section 21 as amended, was then adopted.

§ 22. That no power of suspending laws shall be exercised, except by the General Assembly, or by its authority.

Section 22 was then adopted.

Mr. Whitney of Jackson, moved to amend section 23 by adding "after the ratification of this Constitution";

Which motion was rejected.

§ 23. That no *ex post facto* law, nor any law impairing the obligations of contracts, shall be made.

§ 24. That private property shall not be taken or applied for public use, unless just compensation be made therefor, nor shall private property be taken for private use, or for the use of corporations, other than municipal, without the consent of the owner; *Provided, however*, That laws may be made securing to persons or corporations, the right of way over the lands of either persons or corporations, and for works of internal improvements, the right to establish depots, stations and turnouts, but just compensation shall in such cases, be first made to the owner.

Sections 23 and 24 were then adopted.

Mr. Jackson of Clarke, moved to strike out all of section 25 after the word "tax."

Mr. Griffin of Mobile, demanded the yeas and nays on the motion to strike out;

Which being ordered stood:

YEAS—Messrs. Burdick, Davis, Dustan, Ewing, Falmer, Garrison, Graves, Greathouse, Howard, Jackson, Keffer, Martin, Miller, Moore, Russell of Tallapoosa, Saffold, Semple, Speed, Springfield, Stewart, Stow, Strange, Wheelan, Wilhite—24.

NAYS—Messrs. Adams, Alexander of Greene, Applegate, Autrey, Bingham of Limestone, Bingham of Talladega, Blackford, Blandon, Brainard, Brunson, Buck, Buckley of Lowndes, Burton, Carraway, 'Coon, Deal, Diggs, Gardner, Greene, Gregory, Griffin, Hatcher, Haughey, Hurst, Horton, Inge, Johnson of Henry, Jones of Conecuh, Jones of Madison, Kennemere, McGown, Mahan, McLeod, Masterson, Morgan, Morton, Norris, Plowman, Rapier, Robinson, Royal, Silsby, Simmons, Skinner, Smith, Steed, Strother, Walker of Jefferson, Walker of Shelby, Whitney, Yordy—50.

The motion was therefore rejected.

Mr. Gregory of Mobile, offered an amendment as an addition to the section:

"That the navigable waters of Mobile Bay, known as Grant's Pass, or Pass Arowan, are hereby declared forever public highways;"

Which was rejected.

Mr. Buck of Mobile, called the previous question; the call was sustained, and after putting the question, the section as originally reported was adopted:

§ 25. That all navigable waters of this State are to remain, forever, public highways, free to the citizens of the State and of the U. S., without tax, impost or toll imposed, and that no tax, toll, impost, or wharfage shall be demanded or received from the owner, of any merchandise or commodity, for the use of the shores or any wharf or structure erected on the shores, or in or over the waters of any navigable stream, unless the same be expressly authorized by the General Assembly.

Mr. Keffer of Montgomery, moved that the vote by which section 1 had been adopted be reconsidered;

Which was agreed to.

Mr. Keffer then offered in lieu thereof, the following substitutes to be known as sections 1 and 2:

§ 1. That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.

§ 2. That all persons resident in this State, born in the United States, or naturalized, or who shall have legally declared their intention to become citizens of the United States, are hereby declared citizens of the State of Alabama, possessing equal civil and political rights and public privileges;

Which was adopted.

Mr. Keffer of Montgomery, offered the following to be known as section 26.

§ —. That common carriers shall make no discrimination between citizens of this State traveling on public conveyances.

Mr. Wheelan of Hale, moved that it be tabled;

Which was rejected.

Mr. Semple of Montgomery, called for the yeas and nays on the adoption of the section.

Mr. Dustan of Marengo, moved that the further consideration of the question be postponed until Monday morning, 25th inst.;

Which was agreed to.

§ 26. That the citizens have a right in a peaceable manner, to assemble together for the common good, and to apply to those invested with the power of government for the redress of grievances, or other proper purposes, by petition, address or remonstrance.

§ 27. That any citizen has a right to keep and bear arms for the common defense, and that this right shall never be questioned.

§ 28. That no person who conscientiously scruples to bear arms, shall be compelled to do so, but may pay an equivalent for personal service.

§ 29. That no standing army shall be kept up without the consent of the General Assembly; and in that case no appropriation for its support shall be made for a longer term than one year; and that the military shall, in all cases and at all times, be in strict subordination to the civil power.

§ 30. That no soldier shall, in time of peace, be quartered in any houses without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

§ 31. That no title of nobility or hereditary distinction, privilege, honor or emolument shall ever be granted or conferred in this State; that no property qualification shall be necessary to the election to or holding of any office in this State, and that no office shall be created, the appointment to which shall be for a longer term than during good behavior.

§ 32. That emigration from this State shall not be prohibited, and that no citizen shall be exiled.

§ 33. That temporary absence from the State shall not cause a forfeiture of residence once obtained.

Sections 26, 27, 28, 29, 30, 31, 32 and 33, were then successively adopted.

Mr. Bingham of Limestone, offered the following amendment to section 34:

Nor shall there be any peonage or contract labor for any farm longer than one year, and all contracts for coolie labor, or with persons brought from over the high seas, shall be null and void on the arrival of such persons in this State.

Mr. Morgan of Wilcox, moved that it be tabled, and subsequently withdrew his motion.

Mr. Griffin of Mobile, renewed the motion to table.

Mr. Bingham demanded the yeas and nays on the motion.

Which being ordered, stood:

YEAS—Messrs. Applegate, Austin, Burdick, Davis, Ewing, Falmer, Greathouse, Griffin, Hurst, Horton, Howard, Jackson, Martin, McGown, Masterson, Miller, Moore, Morgan, Smith, Speed, Walker of Jefferson, Wheelan—22.

NAYS—Messrs. Bingham of Limestone, Bingham of Talladega, Blandon, Brunson, Burton, Coon, Diggs, Dustan, Finley, Gardner, Griffin, Haughey, Inge, Jones of Madison, Keffer, Kennemere, Lore, Lee, Mahan, McLeod, Norris, Plowman, Rapier, Robinson, Royal, Saffold, Silsby, Simmons, Skinner, Stewart, Strother, Wilhite—32;

And the motion was therefore lost.

Mr. Smith of Choctaw, moved that action on section 34 and the proposed amendment be postponed.

Mr. Greathouse of Tallapoosa, moved to postpone the consideration until Monday, 11 a. m.

Mr. Bingham demanded the yeas and nays on the question of postponement;

Which being ordered, stood:

Yeas—Messrs. Alexander of Greene, Blackford, Buck, Burdick, Burton, Collins, Ewing, Falmer, Graves, Greathouse, Green, Hurst, Horton, Howard, Jackson, Latham, McGown, Morgan, Morton, Semple, Silsby, Smith, Stewart, Walker of Jefferson, Wheelan, Wilhite—26.

Nays—Messrs. Applegate, Autrey, Bingham of Limestone, Bingham of Talladega, Blandon, Brunson, Carraway, Coon, Davis, Deal, Diggs, Dustan, Gardner, Griffin, Hatcher, Haughey, Inge, Johnson of Russell, Jones of Madison, Keffer, Kennemere, Mahan, McLeod, Masterson, Miller, Moore, Norris, Plowman, Rapier, Robinson, Royal, Saffold, Simmons, Skinner, Steed, Strother—36.

And the motion to postpone was therefore rejected.

Mr. Dustan of Marengo, moved an indefinite postponement of the whole subject;

Which was rejected.

Mr. Bingham of Limestone, moved that the amendment offered by himself be adopted.

Mr. Morgan of Wilcox, called for the previous question;

The call was sustained.

Mr. Bingham of Limestone, moved that the vote by which the main question was ordered be reconsidered;

Which was agreed to.

The question recurring upon the putting of the main question, to-wit, section 34, as originally reported:

§ 34. That hereafter no form of slavery shall exist in this State, nor shall there be involuntary servitude, other than for the punishment of crime, of which the party shall have been duly convicted;

It was adopted.

§ 35. The right of suffrage shall be protected by law, regulating elections, and prohibiting under adequate penalties all undue influences from power, bribery, tumult, or other improper conduct.

§ 36. That this enumeration of certain rights shall not impair or deny others retained by the people.

Sections 35 and 36 was then adopted.

Mr. Bingham of Limestone, offered an additional section, to be numbered section 37:

§ —. Governments are instituted for the common benefit, protection, security and welfare of peoples, communities, States and Nations, and when organized should be formed as a unit, and in perpetuity, until altered, modified or abolished, by a majority of all the people associated in the compact. This State, therefore, has no right to secede or withdraw from the government of the United States, or to pass any law in derogation of the Constitution and laws of the same, and secession is declared to be treason.

Mr. Buck of Mobile, moved (and Mr. Bingham accepted,) to strike out all down to the word "compact."

Mr. Bingham then moved to add the remainder of the section to the article as section 36.

Mr. Buck of Mobile, moved to strike out all after the word "expedient" in the 36th section;

Which was agreed to.

Mr. Bingham then moved that the 1st section as amended by his proposed addition, as corrected, be adopted.

Pending which, Mr. Semple of Montgomery, moved that the Convention adjourn to Monday morning, 10 a. m;

Which was agreed to.

The Convention adjourned to Monday, 25th, 10 a. m.

EIGHTEENTH DAY.

MONDAY, November 25, 1867.

The Convention re-assembled pursuant to adjournment, the President, E. W. Peck, in the chair.

Prayer was offered by the Rev. Mr. Buckley, of Montgomery.

The roll of members was called, and a quorum being announced as present, the Convention proceeded to business.

The journal of the session of the preceding day was read and approved.

Mr. Bingham, of Limestone, on leave, presented "An Ordinance, to authorize the sale of State Bonds, to pay the Expenses of the Constitutional Convention."

Mr. Bingham asked its reference to a special committee of three. Agreed to.

The chair named as the committee, Messrs. Bingham of Limestone, Peters and Stow.

Mr. Griffin introduced "An Ordinance in reference to immigration," which was referred to the Committee on Ordinances.

Mr. Jones of Conecuh offered "An Ordinance for the relief of Wm. S. Baine," and moved that it be referred to a special committee of five.

The President announced the committee as follows:

Messrs. Jones of Conecuh, Semple, Saffold, Whitney and Silsby.

Mr. Ely presented "A Memorial to the Congress of the United States," and moved a suspension of the rules for immediate action thereon;

Which was rejected.

Mr. Ely then moved that it be laid on the table and printed with the proceedings. and gave notice that he would call it up for action at some future day.

Mr. Strange offered "An Ordinance declaring the effect of conveyance of lands made in consideration of Confederate currency," which was referred to the Committee on Judicial Department.

Mr. Burton moved that it be referred without reading. Agreed to.

Mr. Strange offered "An Ordinance, to provide a homestead for indigent families in certain cases," which was referred to the Committee on Judicial Department.

Mr. Coon offered the following ordinance:

An Ordinance to provide for the removal of political disabilities from certain persons.

Be it ordained by the people of the State of Alabama in Convention assembled, That so much of article —, section two of the Constitution framed by this Convention, as makes a vote of the General Assembly necessary to the removal of political disabilities from certain persons shall not apply to persons who may be relieved by act of Congress before the next session of the General Assembly.

Mr. Dustan of Marengo, moved that the further call of districts be suspended.

Mr. Keffer offered the following resolution, which was adopted, and referred to the Committee on Judiciary Department:

WHEREAS, Complaint is made in many letters received by members of this Convention that vexatious and harassing suits and executions are maintained in this State for costs in cases where the parties indicted have been pardoned under the proclamation of acting Governor Patton for offenses other than rape and murder committed during the rebellion; therefore,

Resolved, That the Judiciary Committee be instructed to inquire whether any action should be taken by this Convention in regard to the cases above mentioned, and report by bill or otherwise.

Mr. Keffer offered an additional article of the Constitution in reference to industrial resources.

Mr. Keffer moved its reference to the Committee on Agriculture, and that the report of the Committee on Agriculture be recommitted to the committee.

Agreed to.

The consideration of the report of the Committee on Bill of Rights was then resumed.

Mr. Keffer moved to refer the preamble and bill of rights to the Committee on Constitution.

Mr. Semple offered the following as a new section:

Equality of civil rights is not invaded by the adoption of such reasonable regulations by the proprietors of hotels, steamboats, railroads, and places of public amusement, as may be necessary to furnish separate accommodations to the two races, which inhabit our country, so long as such separation shall be demanded by the sentiment of the white race.

Mr. Griffin rose to a point of order. A rule of the house limited debate to ten minutes.

The Chair decided the point of order not well taken.

Mr. Griffin appealed from the decision of the chair.

The Convention refused to sustain the chair.

Yeas 32, nays 46.

Mr. Gregory moved to lay the amendment on the table.

Agreed to.

Mr. Silsby offered the following amendment:

To strike out all before the words "in this State," and insert the following:

"The people of the United States, being a distinct nationality, possessing sovereign powers to institute the best form of government, which to them shall seem calculated to secure their happiness and perpetuity as a nation, this State, therefore."

On motion of Mr. Keffer, the preamble and bill of rights were then referred to the Committee on Constitution.

The consideration of the amendment offered by Mr. Bingham of Limestone, as an additional section of the bill of rights, pending at adjournment on Saturday, was then resumed.

Mr. Peters moved to lay it on the table.

Not agreed to.

Mr. Bingham accepted the amendment.

Mr. Norris moved the indefinite postponement of the whole subject.

Mr. Bingham called for the yeas and nays.

The yeas and nays were ordered, and on being taken resulted—yeas 51, nays 29, as follows:

YEAS—Messrs. President, Adams, Alexander of Autauga, Alexander of Greene, Austin, Autry, Blackford, Brainard, Buckley of L., Burdick, Cabot, Collins, Dykes, Ewing, Falmer, Graves, Greathouse, Greene, Griffin, Hurst, Horton, Howard, Jackson, Jolly, Jones of Conecuh, Latham, McGown, Mahan, Martin, Masterson. Meadors, Miller, Moore, Morgan, Morton, Norris, Peters, Plowman, Rapier, Robinson, Russell of Tallapoosa, Saffold, Semple, Skinner, Stewart, Stow, Strange, Towles, Walker of Jefferson, Walker of Shelby, Wheelan—51.

NAYS—Messrs. Applegate, Bingham of Limestone, Blandon, Buck, Carraway, Coon, Davis, Diggs, Ely, Gardner, Garrison, Gregory, Inge, Johnson of Henry, Johnson of Russell, Jones of Madison, Lee, Lore, McLeod, Russell of Barbour, Silsby, Simmons, Springfield, Strother, Wilhite, Yordy—29.

So the subject was postponed indefinitely.

Mr. Saffold offered the following to come in as an additional section, which was referred to the Committee on Constitution: Section to be incorporated into the Constitution under such head as the Committee on the Constitution may assign, and the Convention agree to.

SEC. —. It shall be the duty of the General Assembly to make adequate provisions in each county for the maintenance of the poor of the State.

Mr. Whitney of Jackson, moved to take up the report of the Committee on County and Municipal Organizations.

Mr. Whitney offered the following as a substitute for the report:

No new county shall hereafter be formed or exist, having less extent than six hundred square miles of area, unless such county shall contain fifteen thousand inhabitants, and the counties from which it is taken shall be left with not less than fifteen thousand inhabitants each, in which case such new county may be formed without regard to area; *Provided*, That no new county shall be formed except from a vote of the majority of voters within the limits of the proposed county.

SEC. 2. When any new county shall be formed in accordance with section 1 of this article, such new county shall pay its proportion of the indebtedness of the counties from which it is taken.

Mr. Griffin offered an amendment as follows:

Strike out "petition of a majority of the citizens within the limits of the proposed new county," and insert "petition or vote of a majority of the citizens of the county from which the new county is proposed to be formed."

Mr. McGown moved to lay the amendment on the table.

Mr. McGown moved to lay the substitute on the table.

Mr. Springfield of St. Clair demanded the yeas and nays;

Which was agreed to.

Yeas 39, nays 34.

Mr. Cabot moved that the original report be adopted.

Mr. Peters moved to amend by adding after the word "number" the words "of inhabitants;"

Which was agreed to.

Mr. Burton offered the following amendment as a substitute:

§ —. The General Assembly may, by a two-thirds vote of both branches thereof, arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered except by a like vote.

Mr. Hurst moved to lay the amendment on the table;

Which was agreed to.

The question then reccurred on the adoption of the original article reported by the committee, and it was adopted and referred to the Committee on the Constitution.

Mr. Gardner moved to take up the report of the Committee on Education;

Which was agreed to.

The first section was adopted.

The second section was adopted.

The third section was adopted.

Mr. Stewart, on leave, introduced "An Ordinance for the relief of Mrs. Mattie D. McIntyre," and moved its reference to a committee of five;

Which was agreed to; and

The President announced the committee as follows:

Messrs. Stewart, Masterson, Wheelan, Whitney, and Jones of Conecuh.

The consideration of the report of the committee was resumed.

Mr. Saffold offered a substitute for the fourth section, as follows:

The Board of Education shall make necessary rules and regulations in reference to the public educational institutions of the State.

Mr. Wheelan moved to strike out the original section and adopt the substitute offered by Mr. Saffold;

Which was laid on the table.

Mr. Norris of Elmore, opposed the substitute of the gentleman from Dallas, Mr. Saffold, and advocated the action as reported by the committee.

Mr. Moore offered an amendment to the amendment by adding " not inconsistent with the laws of the State."

Mr. Keffer called for the previous question on the adoption of the original section.

The call for the previous question was sustained, and the main question was ordered on the passage of the section.

The yeas and nays were called and ordered, and resulted yeas 58, nays 21, as follows:

YEAS—Messrs. J. L. Alexander, Applegate, A. Bingham, D. H. Bingham, Blackford, Brainard, Buck, C. W. Buckley, W. M. Buckley, Burdick, Burton, Carraway, Coon, Diggs, Ewing, Falmer, Gardner, Garrison, Graves, Greene, Griffin, Hatcher, Haughey, Horton, Inge, Jackson, W. Johnson, W. R. Jones, Keffer, Kennemere, Lee, Lore, McGown, McLeod, Martin, Masterson, Miller, Morgan, Morton, Norris, Peters, Rapier, Robinson, Rolfe, H. C. Russell, Semple, Silsby, Skinner, Smith, Stewart, Strange, Strother, J. R. Walker, W. A. Walker, Whitney, Wilhite, Yordy—58.

NAYS—Messrs. President, B. Alexander, Austin, Brunson, Blandon, Burdick, Cabot, Collins, Davis, Dykes, Finley, Greathouse, Hurst, Latham, Mahan, Moore, Saffold, Speed, Steed, Wheelan—21.

So the section was adopted.

The Convention adjourned until half past three o'clock, p. m.

AFTERNOON SESSION.

The Convention re-assembled at half-past three p. m. The President in the chair.

Mr. Norris moved a reconsideration of the vote by which the report of the Committee on Counties and Municipal Organizations was referred to the Committee on Constitution.

The motion was lost.

The consideration of the report of the Committee on Education was then resumed.

Mr. Speed offered a substitute for section 5, as follows:

It shall be the duty of the Legislature to provide for the establishment of schools in each township in the State, where children between the ages of five and twenty years may attend free of charge; *Provided*, Separate schools shall be established for white and colored children.

Mr. Griffin moved to lay the substitute on the table.

Mr. Speed was granted leave to be heard in defense of his substitute.

The yeas and nays were called and ordered, and being taken, resulted—yeas 57, nays 28, as follows:

YEAS—Messrs. President, Adams, Alexander of Greene, Applegate, Bingham of Limestone, Bingham of Talladega, Blackford, Blandon, Brainard, Brunson, Buck, Buckley of L., Buckley of M., Burdick, Carraway, Coon, Diggs, Dustan, Ely, Ewing, Finley, Gardner, Garrison, Gregory, Griffin, Hatcher, Haughey, Horton, Inge, Johnson of Russell, Jones of Madison, Keffer, Kennemere, Lee, Miller, Moore, Morgan, Norris, Peters, Plowman, Rapier, Robinson, Rolfe, Royal, Silsby, Simmons, Smith, Springfield, Strange, Strother, Walker of Shelby, Yordy—57.

NAYS—Messrs. Alexander of Autauga, Austin, Autry, Cabot, Collins, Davis, Deal, Dykes, Falmer, Graves, Greathouse, Hurst, Jackson, Johnson of Henry, Jolly, Jones of Conecuh, Latham, Martin, Masterson, Semple, Speed, Steed, Stewart, Stow, Towles, Walker of Jefferson, Wheelan, Whitney, Wilhite—28.

Mr. Wheelan moved to amend by striking out of the section the words, " one or more."

Mr. Buck moved to lay the amendment on the table;

Which was agreed to.

Mr. Hurst moved to strike out "twenty," and insert " eighteen."

Mr. Norris moved to lay the amendment on the table;

Which was agreed to.

Mr. Smith moved to strike out the word "twenty," and insert " twenty-one;"

Which was lost.

On agreeing to the motion, the yeas and nays were called and ordered, and on being taken, resulted—yeas 51, nays 35, as follows:

YEAS—Messrs. President, Alexander of Autauga, Alexander of Greene, Applegate, Bingham of Limestone, Bingham of Talladega, Blackford, Brainard, Buck, Buckley of L., Buckley of M., Burdick, Burton, Carraway, Coon, Diggs, Dustan, Dykes, Ely, Ewing, Falmer, Finley, Gardner, Garrison, Gregory, Griffin, Hatcher, Haughey, Horton, Inge, Jackson, Johnson of Russell, Jones of Madison, Keffer, Kennemere, Lee, Lore, McGown, McLeod, Miller, Moore, Morgan, Norris, Peck, Plowman, Robinson, Rolfe, Russell of Barbour, Saffold, Silsby, Smith, Springfield, Strother, Yordy—51.

NAYS—Messrs. Adams, Austin, Autrey, Brunson, Cabot, Collins, Davis, Deal, Graves, Greathouse, Hurst, Jackson, Jones of Covington, Latham, Mahan, Martin, Masterson, Royal, Semple, Simmons, Skinner, Speed, Stewart, Stow, Strange, Towles, Walker of Jefferson, Wheelan, Whitney, Wilhite—35.

The fifth section was then adopted.

The sixth section was adopted.

Mr. Wheelan moved to amend as follows:

Insert after the word "board," in the 4th line, the words "and the majority of the Legislature."

Mr. Silsby moved to lay on the table.

Mr. Wheelan called for the yeas and nays.

The yeas and nays were ordered, ond on being taken, resulted—yeas 61, nays 20.

The motion was therefore rejected.

The sixth section was adopted.

The President (Mr. Griffin in the chair,) offered as a substitute to the seventh section, as follows:

§ 7. The board of Education shall be a body politic and corporate, by the name and style of the Board of Education of the State of Alabama. Said Board shall also be a Board of Regents of the State University, shall have power to appoint the President and the Faculties thereof. The President of the University shall be *ex officio* a member of the Board of Regents, but shall have no vote in its proceedings.

Mr. Gardner offered an amendment to the original section, as follows:

And after the words "faculties of the University," the following, "and have the general management of its funds and affairs."

Mr. Keffer moved to strike out the snbstitute offered by Mr. Peck, the provision making the President of the University a member of the Board of Regents;

Which was lost.

The question recurring on the adoption of the substitute of Mr. Peck, in place of the original section, the substitute was adopted.

The eighth section was adopted.

The ninth section was taken up.

Mr. Dustan moved to amend by striking out the words,

" and all moneys which may be paid as an equivalent for exemption for military duty ;"

Which was laid on the table.

Mr. Bingham of Limestone, moved to amend by inserting after the word " purposes," "together with the indebtedness of the State to the 16th section fund."

Mr. Peters moved to lay the amendment on the table ;

Agreed to.

Mr. Bingham of Limestone offered another amendment to insert the words " swamp lands" in the first line after the word " lands ;"

Which was adopted.

The section as amended was adopted.

Mr. Jones of Conecuh, moved to adjourn ;

Which was not agreed to.

The tenth section was adopted.

The eleventh section was taken up.

Mr. Saffold moved to strike out the entire section.

Pending which the Convention adjourned to 7½ o'clock, P. M.

Attest: ROBERT BARBER, Secretary.

EVENING SESSION.

The Convention re-assembled at half past seven o'clock.

The President being absent, Mr. Norris moved that Mr. Griffin take the chair ;

Which was agreed to, and Mr. Griffin took the chair.

The consideration of the report of the Committee on Education was resumed.

Mr. Gardner offered an amendment to the eleventh section:

To insert after the word " district" " upon a vote of a majority of the qualified electors thereof."

Mr. Semple offered the following as a substitute for the section :

" The General Assembly may give power to the authorities of the school districts to levy a poll tax on the inhabitants of the district in aid of the general school fund."

Mr. Gardner withdrew his amendment.

Mr. Dustan moved to amend the substitute of Mr. Semple, by adding the words " and for no other purpose."

Mr. Semple accepted the amendment.

Mr. Carraway moved to amend by adding, " *Provided,* Said tax shall not exceed one dollar ;"

Which was laid on the table.

The question recurring on the adoption of the substitute offered by Mr. Semple,

Mr. Moore moved to lay it upon the table.

The question being called on the motion, the yeas and nays were called and ordered, and on being taken, resulted—yeas 29, nays 41.

So the motion to lay on the table was not agreed to.

The question again recurring on the passage of the substitute, the yeas and nays were called and ordered, and on being taken, resulted—yeas 46, nays 32.

So the substitute was adopted.

Mr. Peters moved a reconsideration of the vote by which the third section was adopted, for the purpose of offering an amendment.

The motion to reconsider was agreed to.

Mr. Peters offered the following as a new section :

§ —. The members of the Board of Education, except the Superintendent, shall be elected by the qualified electors of the Congressional District in which they are chosen, at the same time and in the same manner as the members of Congress.

The section was adopted.

Mr. Buckley offered a new section, to come in after the second section, as follows :

§ —. In the event of the death of the Superintendent of Public Instruction, the vacancy shall be filled for the remainder of his term of office by election by the Board of Education.

Mr. Bingham of Limestone, offered the following as a new section :

§ —. The General Assembly shall, as soon as practicable, provide for the establishment of an Agricultural College, and shall appropriate the two hundred and forty thousand acres donated to this State for the support of such college by the act of Congress, passed July 2, 1865, or the money, or scrip, as the case may be, arising from the sale of said lands, or any lands which may hereafter be granted, or appropriated for such purpose, for the support and maintenance of such college, or school, and may make the same a branch of the University of Alabama, for instruction in agriculture, in the mechanic arts, and the natural sciences connected therewith, and place the same under the supervision of the Regents of the University.

On agreeing to the adoption of the section, division was called. The ayes were 36, and the nays 31.

The section was therefore adopted.

Mr. Peters offered an amendment to the third section, as follows:

Strike out the words "which elections" down to "Congress."

The amendment was adopted.

Mr. Silsby offered the following as an additional section:

The General Assembly shall have power to provide such additional means for the support of the common schools of the State as they may deem expedient and wise.

Mr. Peters moved to lay it upon the table;

Which was agreed to.

Mr. Smith moved the reference of the substitute to the Committee on Constitution.

Mr. Coon offered "An Ordinance for the confirmation of acts done by military authority in the State," and moved its reference to the Committee on the Judiciary.

Mr. Bingham of Limestone, offered the following as an article to the Constitution:

ARTICLE.

House of Refuge.

§ 1. The General Assembly shall, as soon as may be, provide a House of Refuge and Correction for youthful criminals, where they shall be confined, separate and apart, from the association and influences of criminals hardened in crime and vice; and where, by moral training and virtuous example, they may be reformed and sent into the world capable of becoming useful and industrious citizens.

These yonths shall be provided with mental and mechanical instruction, and upon satisfactory evidence of permanent reform, may be received into the Agricultural College.

Mr. Wheelan moved to lay the article on the table;

Which was lost.

The Convention then adjourned until 10 o'clock A. M., Tuesday, November 26th.

NINETEENTH DAY.

MONTGOMERY, ALA., Nov. 26, 1867.

The Convention met pursuant to adjournment, the President in the chair.

Prayer was offered by the Rev. Mr. Greathouse of Tallapoosa.

The calling of the roll was dispensed with.

A quorum being present, the Convention proceeded to business.

The minutes of the session of the preceding day were read, and Mr. Semple of Montgomery, requested leave to have recorded a correction of the journal in the following instance, to-wit:

Mr. Miller of Lowndes, rose to a point of order, (the question before the Convention being the motion to refer the Preamble and Bill of Rights to the Committee on the Constitution,) to-wit: pending the motion to correct a motion to amend, was not in order. The point of order was sustained. Mr. Semple then proceeded to address the Convention against the motion to refer, for the purpose of bringing in the section offered.

At the expiration of ten minutes,

Mr. Griffin of Mobile, rose to a point of order, to-wit:

That no member could speak longer than ten minutes.

The point of order was overruled by the President, and on appeal to the Convention, the ruling of the President was not sustained.

Mr. Coon of Dallas, offered the following resolution:

Resolved, That the Committee on Printing be requested to report in regard to arrangements made for the printing of the proceedings of the Convention, and also the amount of expenses of reporting the same;

Which was agreed to.

Mr. Peters of Lawrence, moved that the report of the Committe on Finance and Taxation be taken up, and that the article of the Constitution therein embraced, be referred to the Committee on the Constitution:

Which was agreed to, and the article referred.

Mr. Bingham of Limestone, introduced an ordinance declaring secession null and void.

Mr. Moore of Balawin, offered an amendment; before the words "null and void," add "unconstitutional."

Which was rejected.

On motion of Mr. Griffin of Mobile, the ordinance was referred to the Committee on the Judicial Department.

Mr. Gregory of Mobile, asked leave to state his reasons for moving a reconsideration of the vote by which the Preamble and Bill of Rights had been referred to the Committee on the Constitution.

Leave was granted.

And Mr. Gregory gave his reasons and moved a reconsideration of the vote.

Mr. Semple of Montgomery, was granted leave to support the motion.

Mr. Griffin of Mobile, moved to lay the motion on the table.

Mr. Semple demanded the yeas and nays, which being ordered, were taken, and resulted as follows :

YEAS—Messrs. President, Adams, Alexander of Greene, Applegate, Austin, Autrey, Bingham of Limestone, Bingham of Talladega, Black, Blackford, Blandon, Brainard, Brunson, Buck, Buckley of Lowndes, Buckley of Montgomery, Burdick, Burton, Carraway, Coon, Davis, Diggs, Dustan, Dykes, Ely, Ewing, Finley, Gardner, Garrison, Graves, Greene, Gregory, Griffin, Hatcher, Haughey, Horton, Inge, Johnson of Russell, Jones of Madison, Keffer, Kennemere, Lore, Lee, Mahan, McLeod, Miller, Morton, Norris, Peters, Plowman, Rapier, Robinson, Rolfe, Royal, Russell of Barbour, Saffold, Silsby, Simmons, Smith, Springfield, Steed, Strother, Walker of Jefferson, Whitney, Yordy—65.

NAYS—Messrs. Alexander of Autauga, Cabot, Collins, Deal, Falmer, Greathouse, Howard, Hurst, Jackson, Jolly, Jones of Conecuh, Latham, Martin, Meadors, Russell of Tallapoosa, Semple, Speed, Stewart, Stow, Strange, Towles, Whelan, Wilhite—23.

The motion was therefore tabled.

Mr. Haughey of Morgan, introduced an ordinance regulating the value of contracts made during the war;

Which was, on motion, referred to the Committee on Ordinances and State Government.

Mr. Garrison of Blount, introduced an ordinance to divorce Manly Nelson from his former wife, Sarah Nelson ;

And moved its reference to a special committee of three ;

Which was agreed to, and the Chair appointed as the committee :

Messrs. Garrison, Skinner, and Smith.

Mr. Gardner of Butler, offered an additional section to the article reported by the Committee on Education and School Fund.

The President ruled that as out of order, the article having been referred to the Committee on the Constitution.

Mr. Griffin of Mobile, moved that the report of the Committee on the Judicial Department be taken up ;

Which was agreed to.

And sections from Nos. 1 to 8 inclusive were successively adopted.

§ 1. The judicial power of the State shall be vested in the Senate sitting as a Court of Impeachment, a Supreme Court, Circuit Courts, Chancery Courts, Courts of Probate, such inferior Courts of law and equity, to consist of not more than five members, as the General Assembly may from time to time direct, ordain, and establish, and such persons as may be by law invested with powers of a judicial nature.

§ 2. Except in the cases otherwise directed in this Constitution, the Supreme Court shall have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions and regulations not repugnant to this Constitution, as may from time to time be prescribed by law. *Provided*, That said court shall have power to issue writs of injunction, *mandamus*, *habeas corpus*, *quo warranto*, and such other remedial and original writs, as may be necessary to give it a general superintendence and control of inferior jusisdictions.

§ 3. The Supreme Court shall be held at the seat of government, but if that shall have become dangerous from an enemy or from disease, may adjourn to a different place.

§ 4. The State shall be divided into convenient circuits, each of which shall contain not less than three nor more than eight counties, and for each circuit there shall be appointed a Judge, who shall, after his appointment, reside in the circuit for which he shall have been appointed.

§ 5. The Circuit Court shall have original jurisdiction in all matters, civil and criminal, in this State, not otherwise excepted in this Constitution, but in civil cases only where the matter or sum in controversey exceeds fifty dollars.

§ 6. A Circuit Court shall be held in each county in the State, at least twice in every year, and the Judges of the several circuits may hold courts for each other when they deem it expedient, and shall do so when directed by law.

§ 7. The General Assembly shall have power to establish a court or courts of chancery, with original and appellate equity jurisdiction. *Provided*, That the judges of the several Circuit Courts, shall have power to issue writs of injunction returnable in courts of chancery.

§ 8. The State shall be divided into convenient chancery divisions, and the divisions into districts; and for each division there shall be a chancellor, who shall, after his appointment, reside in the division for which he shall have been appointed.

Mr. Peters of Lawrence, moved to strike out of the 9th section, the word "district" and insert "county" where it occurs in the section.

Mr. McGown of Tuscaloosa, moved to lay the motion on the table;

Which was rejected.

The question recurring on the amendment, the yeas and nays were demanded, and being ordered, resulted as follows:

YEAS—Messrs. Adams, Alexander of Greene, Applegate, Austin, Autrey, Bingham of Talladega, Black, Blackford, Brunson, Buck, Burdick, Carraway, Collins, Coon, Davis, Deal, Diggs, Dykes, Ewing, Falmer, Garrison, Greathouse, Greene, Gregory, Hatcher, Haughey, Hurst, Howard, Inge, Jackson, Jolly, Jones of Conecuh, Jones of Madison, Kennemere, Latham, Lee, Lore, Mahan, Moore, Morgan, Martin, Peters, Plowman, Rapier, Robinson, Royal, Russell of Barbour, Russell of Tallapoosa, Simmons, Skinner, Speed, Springfield, Steed, Stewart, Strother, Walker of Jefferson, Walker of Shelby, Wheelan, Whitney, Wilhite—60.

NAYS—Messrs. President, Alexander of Autauga, Bingham of Limestone, Blandon, Brainard, Burton, Cabot, Dustan, Ely, Gardner, Graves, Griffin, Horton, Johnson of Russell, Keffer, McGown, McLeod, Martin, Meadors, Norris, Rolfe, Saffold, Semple, Silsby, Smith, Strange, Yordy—27.

The amendment was therefore adopted.

Section 9, as amended, was adopted.

§ 9. A chancery court shall be held in each district, at a place therein to be fixed by law, and the chancellors may hold court for each other when they deem it expedient.

Section 10 was adopted.

§ 10. The General Assembly shall have power to establish in each county within the State, a Court of Probate with general jurisdiction, for the granting of letters testamentary, and of administration, and for orphan's business; and the General Assembly may confer on the said courts jurisdiction of contracts for labor, and order frequent sessions for that purpose.

Mr. Deal of Dale, offered an amendment to section 11, Judicial Department, by striking out of the first clause, the words "shall be appointed for each county by the Governor," and insert "shall be elected for each county by the qualified electors thereof residing in the beats or precints in which said Justice shall reside."

Also amend said section by striking out the last clause thereof.

Mr. Strange of Macon, offered an amendment to strike out "one hundred" and insert "fifty," but subsequently withdrew it.

Pending which, Mr. Peters of Lawrence, moved to strike out the whole section :

Mr. Bingham of Limestone, moved to recommit the article to the committee on Judicial Department, with instructions to report the article so changed as to provide for the election of Justices of the Peace and Judges of Probate by the people.

Mr. Skinner of Franklin, moved to lay the motion, together with the proposed section, on the table, and demanded the yeas and nays;

Which being ordered, stood:

YEAS—Messrs. Adams, Alexander of Autauga, Applegate, Austin, Autrey, Bingham of Talladega, Brainard, Brunson, Buckley of Lowndes, Burdick, Cabot, Carraway, Collins, Davis, Deal, Dykes, Ewing, Falmer, Garrison, Greathouse, Greene, Haughey, Hurst, Howard, Jolly, Jones of Conecuh, Jones of Madison, Kennemere, Latham, McGown, Masterson, Moore, Morgan, Morton, Norris, Peters, Rapier, Robinson, Rolfe, Royal, Russell of Barbour, Russell of Tallapoosa, Simmons, Skinner, Springfield, Steed, Towles, Walker of Jefferson, Walker of Shelby, Whitney, Wilhite—56.

NAYS—Messrs. President, Alexander of Greene, Bingham of Limestone, Blackford, Blandon, Buck, Burton, Coon, Diggs, Ely, Gardner, Graves, Gregory, Griffin, Hatcher, Horton, Inge, Jackson, Johnson of Russell, Keffer, Lee, Lore, Mahan, Martin, McLeod, Meadors, Miller, Plowman, Saffold, Semple, Silsby, Smith, Speed, Stewart, Stow, Strange, Strother, Wheelan, Yordy—29.

The motion was therefore adopted.

Pending the consideration of the motion to strike out the section,

The Convention adjourned until 3:30 p. m., to-day.

AFTERNOON SESSION.

3:30—p. m.

The Convention met pursuant to adjournment, the President in the chair.

The President laid before the Convention a report from the Manufacturer's Association of Detroit, Michigan.

Mr. Coon of Dallas, moved that it be tabled and printed with the proceedings of the day.

The question pending at hour of adjournment of morning session, being the motion to strike out section 11 of the article reported by the committee on the Judicial Department, was then resumed.

Mr. Peters of Lawrence, demanded the yeas and nays on the motion;

Which being ordered, stood:

YEAS—Messrs. Adams, Applegate, Austin, Autrey, Black, Blandon, Brunson, Buckley of Lowndes, Buckley of Montgomery, Burdick, Carraway, Davis, Deal, Diggs, Dykes, Ewing, Finley, Greene, Gregory, Hatcher, Haughey, Hurst, Inge, Johnson of Russell, Jolly, Jones of Conecuh, Jones of Madison, Kennemere, Latham, Lee, McGown, McLeod, Miller, Moore, Morgan, Morton, Norris, Peters, Rapier, Robinson, Royal, Russell of Barbour, Russell of Tallapoosa, Silsby, Simmons, Skinner, Springfield, Steed, Stewart, Strother, Walker of Jefferson, Whitney, Yordy—53.

NAYS—Messrs. President, Alexander of Autauga, Bingham of Limestone, Bingham of Talladega, Burton, Collins, Coon, Ely, Falmer, Gardner, Graves, Griffin, Horton, Jackson, Keffer, Meadors, Rolfe, Russell of Tallapoosa, Saffold, Semple, Smith, Speed, Stow, Strange, Wheelan—25;

And the section was therefore stricken out.

Mr. Peters of Lawrence, then offered the following as a new section, to be called section 14:

§ 14. Judges of the Supreme Court and Chancellors, shall be elected by a joint vote of both Houses of the General Assembly, Judges of the Circuit and Probate Courts, and of such other inferior courts as may be by law established, shall be elected by the qualified electors of the respective counties, cities, towns or districts, for which such courts may be established, on the first Monday in May, or such other day as may be by law prescribed, not within a less period than two months of the day fixed by law for the election of Governor, members of the General Assembly, or members of Congress; vacancies in the office of the Circuit Judge, Judge of Probate, or Judge of any other inferior court established by law, shall be filled by the Governor, and the person appointed by him shall hold office until the next election day, by law appointed for election of Judge, and until his successor shall have been elected and qualified.

Mr. Semple of Montgomery offered a substitute for section 11:

The Legislature shall direct the election by the people, of a competent number of Justices of the Peace for each county, who shall hold office for the term prescribed by law. Their jurisdiction in civil cases shall extend to questions in which the sum in controversy shall not be more than $50, and the right of appeal from their decisions shall be secured in such manner as shall be provided by law.

Mr. Whitney of Jackson, moved that it be laid on the table.

Mr. Morgan of Wilcox, moved the previous question;

The call was sustained.

Mr. Griffin of Mobile, moved a decision of the proposed section to occur at the end of the 1st paragraph;

Which was rejected—ayes 33; nays 36.

The previous question being ordered, was put;

And the yeas and nays being demanded, the vote stood:

YEAS—Messrs. Adams, Alexander of Greene, Applegate, Austin, Autry, Brunson, Burdick, Carraway, Collins, Davis, Deal, Ewing, Garrison, Greathouse, Greene, Gregory, Haughey, Howard, Inge, Johnson of Russell, Jolly, Jones of Madison, Kennemere, Latham, McGown, Mahan, Moore, Morgan, Morton, Norris, Peters, Robinson, Russell of Tallapoosa, Russell of Barbour, Simmons, Skinner, Speed, Steed, Springfield, Strother, Towles, Walker of Jefferson, Walker of Shelby, Whitney, Wilhite—45.

NAYS—Messrs. President, Alexander of Autauga, Bingham of Limestone, Bingham of Talladega, Black, Blandon, Burton, Cabot, Coon, Diggs, Dustan, Ely, Falmer, Gardner, Graves, Griffin, Hatcher, Hurst, Horton, Jackson, Jones of Conecuh, Keffer, Lore, McLeod, Miller, Plowman, Rapier, Royal, Saffold, Semple, Silsby, Stewart, Stow, Strange, Wheelan, Yordy—36.

The proposed section was therefore adopted.

Mr. Dustan of Marengo, moved that the Convention adjourn;

Which was rejected.

Mr. Peters of Lawrence, on leave, introduced "An Ordinance in regard to paying the expenses of this Convention," and moved that the rules be suspended and the ordinance read a 2d and 3d time and put upon its final passage.

Mr. Bingham of Limestone, moved that it be laid upon the table and demanded the yeas and nays;

Which being ordered, stood:

YEAS—Messrs. Applegate, Bingham of Limestone, Blandon, Brainard, Burton, Coon, Diggs, Ely, Gardner, Russell of Barbour, Smith, Springfield, Wheelan, Wilhite, Yordy—15.

NAYS—Messrs. President, Adams, Alexander of Autauga, Alexander of Greene, Austin, Autrey, Bingham of Talladega, Brunson, Buck, Burdick, Cabot, Carraway, Collins, Davis, Deal, Dustan, Ewing, Falmer, Finley, Garrison, Graves, Greathouse, Gregory, Hatcher, Haughey, Hurst, Horton, Howard, Inge, Jackson, Johnson of Russell, Jolly, Jones of Conecuh, Keffer, Kennemere, Latham, Lore, McGown, Mahan, McLeod, Martin, Miller, Moore, Morgan, Morton, Norris, Peters, Plowman, Rapier, Royal, Robinson, Russell of Tallapoosa, Saffold, Silsby, Simmons, Skinner, Speed, Stewart, Stow, Strange, Strother, Towles, Walker of Jefferson, Walker of Shelby, Whitney—65.

The motion was therefore rejected.

Mr. Burton of Marengo, moved that the further consideration of the subject be postponed until a Constitution shall have been framed.

Mr. Dustan of Marengo, moved to lay the motion on the table;

Which was agreed to.

Mr. Bingham of Limestone, moved the indefinite postponement of the subject;

Which was rejected.

Mr. Morgan of Wilcox, moved the previous question;

Which was ordered and put, and the ordinance was passed.

Mr. Skinner of Franklin, moved that the Convention adjourn until 9 a. m. to-morrow, 27th inst.

Mr. Speed of Perry, moved to amend by making the hour 10 a. m.;

Which was rejected.

The Convention then adjourned to 9 a. m. to-morrow, 27th inst.

TWENTIETH DAY.

MONTGOMERY, ALA., NOV. 27, 1867.

The Convention met pursuant to adjournment.

Mr. President in the chair.

Prayer was offered by the Rev. Mr. Deal, of Dale.

The roll was then called, and a quorum being present, the Convention proceeded to business.

The journal of the previous session was read and approved.

The President laid before the Convention a gift of a "Convention Manual," donated by some friends in Washington; also a communication concerning educational interests.

Mr. Peters of Lawrence, offered the following resolution:

Resolved, That a committee of three be appointed by the chair, to examine the accounts of this Convention for *per diem* and mileage, and the accounts of officers, and all other accounts for which warrants are to be signed by the President, and report them correct, before they are presented for his signature;

Which was adopted.

And in compliance with its provisions, the President appointed as the Committee, Messrs. Stow, Austin and Graves.

Mr. Peters of Lawrence, from Committee on Printing, submitted the following report:

That they have made arrangements for the printing of fifteen hundred copies of the proceedings of the Convention, at a cost of ten dollars per column of four thousand "ems," and for the reporting of the same at a cost of twenty dollars per day. The committee are as much vexed as the members of the Convention can be with the blunders that have been made in reports. The blame rests with the incompetent hands in the printing office, who profess to be typographers. The reporter furnishes a correct report, and the proof-reader, whom he employs, corrects the proof, but their work is completed long after midnight, and the mistakes are made in making up their forms, after their work is ended. The business of the Convention has been done with a rapidity very much in excess of that usually shown by legislative bodies, and it is useless to expect much better reports than we have in a city where the facilities for expeditious work are so limited as they are in Montgomery.

Mr. Speed of Perry moved that so much of the report as related to printing be agreed to, and so much as related to reporting be rejected.

Mr. Keffer of Montgomery, moved to lay the motion on the table;

Which was agreed to. Yeas 57, nays 17.

Mr. Miller of Lowndes, moved that the report be accepted.

Mr. Speed of Perry, moved that the question be divided and submitted separately;

Which was rejected.

The report was then agreed to.

Mr. Stewart of Lauderdale, from special committee to whom had been referred "An Ordinance for the relief of Mrs. Mattie D. McIntyre," reported favorably upon the passage of the same.

Mr. Coon of Dallas, moved that it be laid upon the table;

Which was rejected.

The ordinance was then ordered engrossed for a third reading to-morrow.

Mr. Jones of Conecuh, from a special committee to whom had been referred "An Ordinance for the relief of William S. Baine," reported back the same, recommending its passage.

Mr. Norris of Elmore, moved that further consideration be postponed until after a constitution had been framed;

Which was agreed to.

Mr. Bingham of Limestone, offered a resolution:

"*Resolved*, That the Secretary of the Convention cause to be printed for the use of the Convention, five hundred copies of the journals of the Convention, with an index to the same, and that four copies be sent to each of the members, and the remainder be deposited in the office of the Secretary of State, and that he receive as a compensation, the sum of two hundred and fifty dollars.

Mr. Griffin of Mobile, moved that it be referred to the Committee on Printing;

Which was agreed to.

Mr. Peters of Lawrence, introduced "An Ordinance to authorize the Committee on Constitution to have forty thousand copies of the Constitution printed for circulation among the people;"

Which was read once.

And Mr. Coon of Dallas, moved its reference to the Committee on Printing, with instructions to report fully the cost of the execution of the work, provided for in the ordinance.

Mr. Morgan of Wilcox moved to lay the motion on the table;

Which was rejected.

On agreeing to the motion to refer, division was called.

The yeas were 50, noes not counted; and the ordinance was accordingly referred.

Mr. Griffin of Mobile, moved to take from the table an ordinance abolishing the county of Colbert.

The rules were suspended, the ordinance read a third time and passed.

Mr. Gardner of Butler moved that the rules be suspended, in order that he might move a reconsideration of the vote by which the article reported by the Committee on Education and School Fund had been referred to the Committee on the Constitution;

Which was agreed to.

The vote was then reconsidered.

Mr. Gardner then offered the following as a new section:

The General Assembly shall levy a specific annual tax upon all railroad, navigation, banking and insurance corporations, and upon all insurance and foreign bank exchange agencies, and upon the profits of foreign bank bills issued in this State by any corporation, partnerships or person, which shall be exclusively devoted to the maintenance of public schools;

Which was adopted.

And the article again referred to the Committee on the Constitution.

Mr. Peters of Lawrence introduced "An Ordinance to abolish the new county called the county of Baine, formed by the last General Assembly of this State."

Mr. Ewing of Baine moved that it be indefinitely postponed;

Which was rejected.

Mr. Moore of Baldwin, moved to postpone until after a Constitution had been framed.

Division called for. Yeas 45, nays 30, and therefore postponed.

Mr. Miller of Lowndes, then took the chair.

The unfinished business pending when the Convention had adjourned on yesterday, to-wit:

The consideration of the article reported by the Committee on the Judicial Department, was then taken up.

Mr. Haughey of Morgan, moved a reconsideration of the vote by which the substitute offered by Mr. Peters of Lawrence, had been adopted in lieu of the original section No. 11;

Which was agreed to.

Mr. Haughey of Morgan, moved to strike out of the section the words "Shall be elected by a joint vote of both houses of the General Assembly;"

Which was agreed to.

Mr. Coon of Dallas, moved to amend further by striking out the words "Monday in May," and insert "first Tuesday after the first Monday in November of each year;"

Pending which—

Mr. Griffin of Mobile, accepting the amendment of Mr. Coon, moved to amend further by striking out the words "not within a less period than two months of the day fixed by law for the election of Governor, members of the General Assembly, or members of Congress;"

Which amendment was adopted.

Mr. Semple of Montgomery, offered a substitute for the entire section.

Mr. McGown of Tuscaloosa, moved that it be laid upon the table.

On which motion the yeas and nays were ordered, and being taken, resulted—yeas 45, nays 40.

And it was therefore tabled.

The question recurring upon the adoption of the substitute as amended, and the yeas and nays being ordered, were taken, to-wit:

YEAS—Messrs. President, Adams, Alexander of Greene, Applegate, Autrey, Brunson, Buckley of Lowndes, Buckley of Montgomery, Burton, Carraway, Coon, Collins, Davis, Diggs, Dykes, Ewing, Gardner, Garrison, Green, Gregory, Hatcher, Haughey, Inge, Johnson of Russell, Jones of Madison, Keffer, Kennemere, Latham, Lore, McGown, Martin, Masterson, Miller, Moore, Morgan, Morton, Norris, Peters, Rapier, Rolfe, Russell of Barbour, Saffold, Silsby, Simmons, Skinner, Smith, Springfield, Steed, Strother, Walker of Jefferson, Witney, Wilhite—52.

NAYS—Alexander of Autauga, Austin, Bingham of Talladega, Black, Blackford, Buck, Cabot, Dustan, Falmer, Greathouse, Hurst, Horton, Howard, Jackson, Johnson of Henry, Jolly, Jones of Conecuh, Mahan, Meadors, Plowman, Robinson, Royal, Semple, Speed, Stewart, Strange, Towles, Wheelan, Yordy—29.

And it was adopted.

Section 12 was then taken up.

Mr. Morgan of Wilcox moved to amend by striking out "appointed" and inserting "elected;"

Which was agreed to.

And section 12 as amended was adopted.

SEC. 12. The Judges of the Supreme Court, Circuit Court and Courts of Chancery, shall, at stated times, receive for for their services a compensation which shall not be diminished during their continuance in office, but they shall receive no fees or perquisites, nor hold any office of profit and trust under this State, or the United States, during the term for which they have been appointed, nor under any other power during their continuance in office.

Mr. Peters of Lawrence moved to strike out Section 13;

Which was agreed to.

Mr. Simmons of Colbert, moved to strike out of section 14 the word "six" and insert "four."

Mr. Ely of Russell moved to table the motion;

Which was agreed to.

Mr. Keffer of Montgomery, offered an amendment to the section, to come in at the end of the section.

Mr. Simmons of Colbert, moved to lay it upon the table;

Which was agreed to.

The yeas and nays were ordered on the adoption of the section, and being taken, stood:

Yeas—Messrs. Alexander of Autauga, Alexander of Greene, Applegate, Austin, Autrey, Brunson, Buckley of Lowndes, Buckley of Montgomery, Cabot, Carraway, Collins, Coon, Deal, Dustan, Dykes, Ely, Falmer, Garrison, Greathouse, Green, Gregory, Haughey, Hurst, Horton, Howard, Inge, Jackson, Johnson of Henry, Johnson of Russell, Jolly, Jones of Conecuh, Jones of Madison, Kennemere, McGown, Martin, Masterson, Meadors, Miller, Moore, Morgan, Morton, Norris, Peters, Robinson, Rolfe, Royal, Russell of Barbour, Russell of Tallapoosa, Saffold, Silsby, Simmons, Skinner, Smith, Steed, Strother, Towles, Wheelan, Whitney, Wilhite, Yordy—60.

Nays—Messrs. Adams, Bingham of Limestone, Bingham of Talladega, Black, Blackford, Buck, Burton, Davis, Graves, Griffin, Hatcher, Keffer, Lore, Mahan, McLeod, Plowman, Semple, Speed, Stewart, Strange—20.

Section 14 was then adopted.

Sec. 14. The Judges of the several courts of this State shall hold their offices for the term of six years; and the right of any Judge to hold his office for the full term hereby prescribed, shall not be affected by any change hereafter made by law in any circuit or district, or in the mode or time of election; but for any willful neglect of duty, or any other reasonable cause, which shall not be a sufficient ground of impeachment, the Governor shall remove any judge, on the address of two-thirds of each House of the General Assembly; *Provided*, That the cause or causes for which said removal may be required, shall be stated at length in such address, and entered on the journals of each House; *And provided further*, That the Judge intended to be removed shall be notified of such cause, or causes, and shall be admitted to a hearing in his own defense, before any vote for such address; and in all such cases the vote shall be taken by the yeas and nays, and be entered on the journals of each House respectively.

Mr. Griffin of Mobile, moved to strike out section 15;

Which was agreed to.

Mr. Peters of Lawrence, offered a substitute for section 15.

§ 15. A competent number of Justices and Constables shall be elected in and for each county, by the qualified electors thereof, who shall hold office during such term as may be prescribed by law. Said Justices shall have jurisdiction in all civil cases wherein the amount in controversy does not exceed one hundred dollars. In all cases tried before such Justices, the right of appeal shall be secured by law; *Provided*, That Notaries Public, appointed according to law, shall be authorized and required to exercise throughout their respective counties, all the powers and jurisdiction of Justices of the Peace.

Pending which—

Mr. Smith of Choctaw, moved that when the Convention adjourn, it adjourn to 3:30 p. m.;

Which was agreed to.

Mr. Keffer of Montgomery, moved to strike out "100," and insert "50."

Mr. Burton of Marengo, moved to lay the motion on the table;

Which was agreed to.

Mr. Hurst of Coosa, moved to strike out the last clause relating to Notaries Public;

Which was rejected.

Section 15, as substituted by Mr. Peters, was then adopted.

Mr. Bingham of Limestone moved to strike out the original 16th Section, and demanded the yeas and nays;

Which being ordered, stood—yeas 36, nays 42.

The motion was therefore rejected.

Section 16 was then adopted.

Sec. 16. The judges of the Supreme Court shall, by virtue of their offices, be conservators of the peace throughout the State; as also the Judges of the Circuit Courts within their respective circuits, and the judges of the Inferior Courts within their respective counties.

Mr. Peters of Lawrence, moved to amend Section 17 as follows:

Strike out the words, "Clerk of the Circuit Court by the Judges of the Circuit," and also the words, "Clerks of such other Courts as may be established, by the Judges thereof;"

Which was agreed to.

Mr. Keffer of Montgomery, moved to strike out the proviso of the section;

Which was rejected.

§ 17. The clerk of the Supreme Court shall be appointed by the Judges thereof; Registers in Chancery by the Chancellor of the Division; and all the clerks and registers so appointed, shall be removed by the appointing power, for cause to be placed on the records of the court; *Provided*, That the General Assembly shall have power to annex the duties of clerk to the office of Judge of any court, other than the Supreme, Circuit or Chancery Court.

The section as amended was adopted.

§ 18. An Attorney General shall be elected in the same manner, and for the same term of office as the Governor. He shall reside at the seat of Government and receive such compensation as shall be fixed by law. He shall be the law officer of the State, and during the sessions of the General Assembly, he shall furnish to the committees of either House, when required, drafts of bills and written opinions upon any matter under consideration of the committees, and shall perform such other duties as may be required of him by law.

Section 18 was adopted.

Mr. Applegate of Madison, moved to strike out section 19 and substitute therefor the following:

A solicitor shall be elected in each county in this State, by the qualified electors of such county, who shall reside in the county for which he is elected, and perform such duties as may be required by law. He shall hold office for a term of four years, and in case of vacancy, such vacancy shall be filled by the Judge of the circuit until his successor is elected and qualified.

Pending which the Convention adjourned until half past three o'clock, p. m.

AFTERNOON SESSION.

3:30—p. m.

The motion to strike out section 19 was agreed to.

The question recurring after the adoption of the substitute offered by Mr. Applegate, it was adopted.

Mr. Peters of Lawrence, offered the following as a new section, to come in after section 19, and be called section 20.

§ —. Clerk of the circuit court and such inferior courts as may be by law established, shall be elected by the qualified electors in each county, for the term of six years, and may be removed from office for causes and in such manner as may be by law prescribed. Vacancies in the office of clerk shall be filled by the Judge of the court, until the next general election, and until his successors shall be elected and qualified; *Provided*, That the General Assembly shall have the power to annex the duties of clerk to the office of Judge of any of the inferior courts, by law established;

Which was adopted.

Original section 20, numbered as 21, was then adopted:

§ 20. The style of all process shall be, *The State of Alabama;* and all prosecutions shall be carried on in the name and by the authority of the State of Alabama, and shall conclude *against the peace and dignity of the same.*

Mr. Peters of Lawrence, moved a reconsideration of the vote by which section 17 had been adopted;

Which was agreed to.

He then moved to strike out the proviso of the section;

Which was agreed to;

And the section as amended was adopted.

Mr. Peters then moved that the article be referred to the Committee on the Constitution;

Which was agreed to.

Mr. Bingham of Limestone, called up the article of the Constitution on exempted property.

Mr. Griffin of Mobile, moved that it be referred to a special committee of seven;

Which was agreed to.

Mr. Bingham of Limestone, then moved that the article on house of refuge be taken up and referred to the same special committee;

Which was agreed to.

Mr. Griffin of Mobile, moved that a special article introduced by himself on Friday last, be taken up and referred to the Committee on Franchise.

Mr. Wheelan of Hale, moved that it be laid on the table and demanded the yeas and nays;

Which being ordered, stood 33 to 48;

The motion was therefore rejected.

Mr. Speed of Perry, asked to be relieved from further service on the Committee on Franchise;

And his request was granted.

On motion of Mr. Griffin, Mr. Haughey was appointed in his stead.

Mr. Ewing of Baine, moved that the report of the committee on Corporations be taken up;

Which was agreed to.

Mr. Strange of Macon, from the committee on Ordinances and State Government, on leave, reported back an ordinance to encourage immigration, recommending its passage;

Which was tabled and ordered printed with the proceedings.

The article reported by the committee on Corporations was then taken up.

Sections 1, 2, 3, 4, 5, were successively adopted.

Mr. Griffin of Mobile, moved to strike out section 6;

Which was rejected.

Sections 6 and 7 were then adopted.

Mr. Moore of Baldwin, moved to amend section 8, by striking out the word "shall" and inserting "may";

Which was agreed to.

Section 8, as amended, was adopted.

Mr. Keffer of Montgomery, moved to reconsider the vote by which section 7 had been adopted;

Which was agreed to.

Mr. Keffer then moved to amend by striking out the word "except";

Which was agreed to.

Section 7, as amended, was adopted.

Mr. Saffold of Dallas, moved to strike out section 9;

Which was agreed to and the section was stricken out.

Mr. Keffer of Montgomery, moved to strike out section 10;

Which was agreed to and the section was stricken out.

Mr. Saffold of Dallas, moved to amend section 11 by inserting the words "in addition to their stock" between stock and equal;

Which was agreed to.

Mr. Keffer moved to strike out the entire section;

Which was rejected.

Mr. Keffer then moved that the section be tabled;

Which was agreed to.

Sections 12, 13, 14, 15, were then adopted.

Mr. Griffin of Mobile, moved to strike out section 16.

Mr. Gregory of Mobile, moved to lay the motion on the table;

Which was rejected.

Section 16 was stricken out.

Mr. Keffer moved to add after the word Railroads in section 17, "and works of internal improvement";

Which was agreed to.

Section 17 was then adopted as amended.

Mr. Strange of Macon, moved to add as a new section:

All corporations shall have the right to sue, and shall be subject to be sued in all courts in like cases, as natural persons; which was agreed to.

And also to add as a new section the following:

It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxations, assessments and in contracting debt by such municipal corporations;

Which was agreed to.

Mr. Norris moved to reconsider the vote by which section 12 was adopted, except as an amendment, the words "in time of war."

Mr. Hurst moved to lay the motion to reconsider on the table;

Which was agreed to.

Mr. Keffer moved to refer the article of the committee on the Constitution;

Which was agreed to.

Mr. Black moved to take up the report of the committee on Agriculture and Industrial Resources;

Which was agreed to and the report taken up.

INDUSTRIAL RESOURCES.

§ 1. A Bureau of Industrial Resources shall be established, to be under the management of a Commissioner, who shall be elected at the first general election and shall hold his office for the term of four years.

§ 3. The Commissioner of Industrial Resources, shall collect and condense statistical information concerning the productive industries of the State; and shall make or cause to be made, a careful, accurate and thorough report upon the agriculture and geology of the State, and annually report such additions as the progress of scientific development and extended explorations may require. He shall from time to time, disseminate among the people of the State, such knowledge as he may deem important, concerning improved machinery and production, and for the promotion of their agricultural, manufacturing and mining interests; and shall send out to the people of the United States and foreign countries, such reports concerning the industrial resources of Alabama, as may best make known the advantages offered by the State to immigrants; and shall perform such other duties as the General Assembly may require.

§ 3. It shall be the duty of the General Assembly, at its first session after the adoption of this Constitution, to pass such laws and regulations as may be necessary for the government and protection of this Bureau, and also to fix and provide for the compensation of the Commissioner.

§ 4. This Bureau shall be located, and the Commissioner shall reside at the capital of the State, and he shall annually make a written or printed report to the Governor of the State, to be laid before the General Assembly at each session.

§ 5. In case of death, removal or resignation of the Commissioner, the Governor, with the approval of the Senate, shall have power to appoint a Commissioner for the unexpired term.

Sections 1, 2, 3, 4, 5, were then adopted.

The report was then referred to the committee on the Constitution.

Mr. Coon moved to take from the table the ordinance reported by the committee on Militia, but withdrew it for the present, in order to allow Mr. Griffin to move to take from the table the report of the committee on Constitutional Amendments.

The report was taken up, and on motion of Mr. Buckley, it was laid on the table and ordered to be printed with the proceedings of the day.

Mr. Keffer moved that when the Convention adjourn, it adjourn to meet on Friday at 10, a. m.

Mr. Dustan moved to lay the motion on the table;

The yeas and nays were called and resulted yeas 36, nays 49. So the motion was lost.

Mr. Keffer moved that when the Convention adjourn, it adjourn to meet at 9 o'clock on Thursday morning;

Which was agreed to.

Mr. Saffold offered the following:

Resolved, That the committee on the Constitution be authorized to employ one or more clerks;

Which was adopted.

Mr. Saffold offered the following:

Resolved, That such members of the committee on the Constitution as shall meet at the call of the Chairman and be authorized to transact the business committed to them, have leave to sit during the session of the Convention.

The resolution was adopted.

The Convention then adjourned until Thursday, November 28th, at 9, a. m.

Attest: ROBERT BARBER,
Secretary of Convention.

TWENTY-FIRST DAY.

THURSDAY, November 28, 1867—9 a. m.

The Convention met pursuant to adjournment.

In the absence of the President, the Convention was called to order by the Secretary.

Mr. McGown of Tuscaloosa, offered the following resolution:

Resolved, That during the absence of the President, Chas. A. Miller of Lowndes, be appointed President *pro tempore*;

Which was adopted.

The President *pro tem.* then took the chair, and returned his thanks for the honor conferred upon him.

Prayer by the Rev. Mr. Silsby of Dallas.

The roll of members was then called, and a quorum being present, the Convention proceeded to business.

The journal of the previous session was read and approved.

On motion of Mr. Peters of Lawrence, the call of the districts was suspended.

Mr. Carraway of Mobile, offered the following resolution:

WHEREAS, This being a day set apart for the purpose of returning thanks to Almighty God, for many blessings received at his hands—

Therefore resolved, That the Convention adjourn until Friday morning at 9 a. m.

Mr. Dustan of Marengo, moved that it be laid upon the table;

On which motion, the yeas and nays were demanded, and being ordered, resulted as follows:

YEAS—Messrs. Adams, Alexander of Autauga, Applegate, Austin, Autrey, Bingham of Limestone, Bingham of Talladega, Black, Brainard, Brunson, Buckley of Montgomery, Buckley of Lowndes, Collins, Dustan, Ely, Falmer, Greathouse, Haughey, Hurst, Howard, Jackson, Jolly, Jones of Conecuh, Jones of Madison, Kennemere, Latham, Lore, McGown, Mahan, McLeod, Moore, Miller, Meadors, Morton, Norris, Peters, Plowman, Robinson, Russell of Barbour, Saffold, Semple, Skinner, Smith, Strange, Walker of Jefferson, Walker of Shelby, Wilhite—49.

NAYS—Messrs. Blackford, Blandon, Burton, Burdick, Cabot, Carraway, Coon, Davis, Deal, Diggs, Dykes, Ewing, Finley, Gardner, Garrison, Graves, Green, Gregory, Griffin, Hatcher, Inge, Johnson of Russell, Keffer, Lee, Rapier, Rolfe, Royal, Silsby, Simmons, Springfield, Steed, Stewart, Strother, Towles, Whelan, Whitney, Yordy—37.

Mr. Peters of Lawrence, moved that the article of the Constitution reported by the committee on ordinances, in relation to debts, contracted between 1861 and 1865, be made the special order for to-morrow, at 9 a. m.;

Which was agreed to.

Mr. Smith of Choctaw, from the committee on Enrolled Bills, reported as correctly enrolled "An Ordinance regarding the payment of the expenses of the Convention."

The President then appointed as the special committee, to whom were to be referred the articles of the Constitution offered by Mr. Bingham, of Limestone—Messrs. Bingham, Applegate, Gardner, Griffin, Haughey.

Mr. Peters of Lawrence, from the committee, to whom had been referred a petition of the president and directors of the N. O. and Selma R. R. Company, reported unfavorably on the granting of the same.

Mr. Griffin of Mobile, moved that an ordinance to encourage immigration, be taken up—pending which,

On motion of Mr. Skinner of Franklin,

The Convention adjourned to 9 a. m., 29th inst.

TWENTY-SECOND DAY.

FRIDAY, Nov. 29, 1867—9 a. m.

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer by the Rev. Mr. Buckley of Montgomery.

The roll of members was called, and a quorum being announced as present, the Convention proceeded to business.

The President laid before the Convention the following communication from Maj. Gen, John Pope:

HEADQUARTERS, THIRD MILITARY DISTRICT,
Atlanta, Georgia, Nov. 26th, 1867.

SPEIAL ORDERS, No. 254.

The Convention having passed an ordinance providing for the levy and collection of such taxes on the property in the State of Alabama, as may be necessary to pay the delegates and its officers and agents, as authorized by Acts of Congress, the payment by the Treasurer of the State of Alabama, out of any funds available for that purpose, of an appropriation by the Convention for the payment of said delegates, officers and agents, and the incidental expenses of the Convention, will be sanctioned.

JOHN POPE,
Bvt. Maj. Gen. U. S. A.

On motion of Mr. Peters of Lawrence, it was laid upon the table, and ordered printed with the proceedings.

The special order of the day, to-wit: The consideration of section to the Constitution, reported by the "Committee on Ordinances" on Indebtedness, was then proceeded with.

Mr. Towles of Chambers, offered an amendment, as a substitute for the section:

§ —. Every seven years after the ratification of this Constitution, all debts, obligations and evidences thereof, to pay money, money or other valuable considerations, shall be held, and hereby decreed, to be null and void and uncollectable or sueable on, in any court in this State.

Mr. Peters of Lawrence, offered a substitute:

§ —. The Legislature of this State shall have power to suspend the courts of this State, anything in this Constitution to the contrary notwithstanding.

Mr. President, (Mr. Miller in the chair,) moved that the further consideration of the subject be suspended until to-morrow at 11 a. m.;

Which was agreed to.

Mr. Greathouse of Tallapoosa, was granted leave of absence for the remainder of the session.

Mr. Cabot of Elmore, from the committee on County and Municipal Corporations, made the following report:

The committee to whom was referred an ordinance (without title) declaring void the act of the Legislature removing the county site of Dallas county from Cahaba to Selma, has received the consideration of the committee, and I am unanimously instructed to recommend that it should not be adopted.

Which was tabled and ordered printed with the proceedings.

Mr. Skinner of Franklin, from the special committee, to whom was referred a petition of Manly Nelson, praying for a divorce, reported the following ordinance:

"To divorce Manly Nelson and Sarah Nelson"; and recommended its passage.

The ordinance was read first time.

Mr. Morgan of Wilcox, moved that it be laid on table;

On which motion, the yeas and nays were demanded, and being taken, resulted:

YEAS—Messrs. President, Blandon, Deal, Dustan, Dykes, Ely, Falmer, Greathouse, Hurst, Horton, Howard, Johnson of Russell, Jolly, Latham, Moore, Morgan, Silsby, Walker—19.

NAYS—Messrs. Adams, Alexander of Greene, Applegate, Austin, Autry, Bingham of L., Black, Brainard, Brunson, Buck, Buckley of Lowndes, Buckley of Montgomery, Cabot, Carraway, Collins, Davis, Diggs, Ewing, Finley, Gardner, Garrison, Greene, Gregory, Hatcher, Jackson, Jones of Conecuh, Jones of Madison, Keffer, Kennemere, Lee, Lore, McGown, Mahan, McLeod, Martin, Miller, Morton, Norris, Peters, Plowman, Rapier, Robinson, Royal, Russell of Barbour, Saffold, Simmons, Skinner, Springfield, Steed, Stewart, Strange, Strother, Walker of Jefferson, Wilhite—54.

Mr. Peters of Lawrence, moved that the rules be suspended, the ordinance read a second and third time, and put upon its final passage.

Mr. Dustan of Marengo, demanded the yeas and nays, which being taken, resulted as follows:

YEAS—Messrs. Adams, Applegate, Austin, Autry, Bingham of Limestone, Bingham of Talladega, Black, Brunson, Buckley of Lowndes, Davis, Ewing, Gardner, Garrison, Gregory, Haughey, Jackson, Jones of Conecuh, Jones of Madison, Lore, McGown, Mahan, Martin, Miller, Morton, Peters, Plowman, Robinson, Russell of Barbour, Simmons, Skinner, Smith, Springfield, Steed, Stewart, Walker of Jefferson, Wheelan—44.

NAYS—Messrs. President, Alexander of Greene, Blandon, Brainard, Buck, Buckley of Montgomery, Burton, Carraway, Coon, Deal, Diggs, Dustan, Dykes, Ely, Falmer, Finley, Graves, Greathouse, Hatcher, Hurst, Inge, Johnson of Henry, Johnson of Russell, Jolly, Lee, McLeod, Moore, Norris, Royal, Saffold, Semple, Silsby, Stow, Strange, Strother, Towles, Walker of Shelby, Yordy—36.

And the ordinance was therefore passed.

Mr. Jones of Conecuh, from the committee, to whom had been referred a petition praying for a divorce, reported back the following ordinance, to divorce James M. Howell from his wife Susannah Howell:

Be it ordained by the people of Alabama in Convention assembled, That the bonds of matrimony now existing between Joseph M. Howell and his wife, Susannah Howell, be, and the same are hereby dissolved;

And recommended its passage.

Mr. Buck of Mobile, moved that it be laid upon the table;

Which was rejected.

Mr. Wilhite of Winston, moved that it be tabled until tomorrow;

Which was rejected.

Mr. Burton of Marengo, moved that it be postponed until after the formation of a Constitution.

On motion of Mr. Wheelan, the motion was laid upon the table;

The ordinance was then read a second time.

Mr. Skinner of Franklin, moved that it be read a third time and passed.

Mr. Buck of Tuscaloosa, moved that it be tabled, and the committee to whom it had been referred, be requested to present a statement of the facts connected with the case;

Which was rejected.

The ordinance was then put upon its final passage.

Mr. Dustan of Marengo, called for the yeas nays, which being ordered and taken, resulted as follows:

Yeas—Messrs. Adams, Alexander of Autauga, Alexander of Greene, Applegate, Austin, Autrey, Bingham of Limestone, Bingham of Talladega, Black, Blackford, Brainard, Brunson, Buckley of Lowndes, Cabot, Collins, Davis, Diggs, Ewing, Finley, Gardner, Garrison, Gregory, Hatcher, Haughey, Jackson, Jones of Conecuh, Jones of Madison, Keffer, Kennemere, Latham, Lore, Mahan, Martin, Miller, Morton, Peters, Plowman, Robinson, Royal, Russell of Barbour, Simmons, Skinner, Smith, Speed, Steed, Stewart, Walker of Jefferson, Wheelan, Wilhite—49.

Nays—Messrs. President, Blandon, Buck, Buckley of Montgomery, Burton, Carraway, Coon, Deal, Dustan, Ely, Falmer, Graves, Greathouse, Hurst, Horton, Inge, Johnson of Henry, Johnson of Russell, Jolly, Lee, McGown, McLeod, Moore, Norris, Rolfe, Saffold, Semple, Silsby, Stow, Strange, Strother, Walker of Shelby, Yordy—33.

The ordinance was therefore passed.

Mr. Gardner of Butler, offered the following resolutions:

Resolved, That the committee on Finance and Taxation be requested to enquire and report to this Convention at as early a day as possible—

1. What action has been taken by the Legislature of Alabama heretofore in regard to the two and three per cent. funds forming the five per cent. of the proceeds of sales of public lands reserved under the act for the admission of Alabama into the Union, providing for internal improvements.

2. To what objects and companies said funds have been

loaned or appropriated, and how disbursed, and upon what security.

3. To recommend to the Legislature at its first session, such action as may be necessary to correct abuses and misapplications of said fund, by corporations or individuals, or by the Legislature.

Resolved, further, That the said committee shall in like manner, enquire and report whether the General Assembly of Alabama, has at any time taken illegal action in passing laws relieving purchasers of the University lands from their contracts, and vesting said funds in banking, and whether any practicable plan can be devised to recover any portion of the University or sixteenth section funds, that may have been squandered or misappropriated.

Resolved, further, That said committee shall in like manner, enquire and report in regard to sixteenth section lands sold for Confederate money, and report what action will be necessary to secure the value of such lands to the sixteenth section fund.

Resolved, further, That said committee have power to send for persons and papers, and to sit after the adjournment of the Convention.

The resolution was rejected.

Mr. Griffin of Mobile, moved that an ordinance relating to Immigration, reported on favorably by the Committee on Ordinances, be taken from the table, and acted on finally ;

Which was agreed to.

Pending the consideration thereof,

Mr. Griffin moved to amend it, by providing for one Commissioner in lieu of three;

Which was agreed to.

Mr. Peters of Lawrence, moved to amend further, by making the compensation three dollars per diem in place of six;

Which was rejected.

Mr. Ewing of Baine, moved to make the compensation four dollars per diem ;

Which was agreed to.

Mr. Simmons of Colbert, moved that the motion be tabled.

Mr. Griffin of Mobile, demanded the yeas and nays on agreeing to the motion, which being ordered, stood:

YEAS—Messrs. Alexander of Autauga, Alexander of Greene, Applegate, Bingham of Limestone, Bingham of Talladega, Black, Blackford, Blandon, Brainard, Brunson, Buck, Buckley of L., Buckley of M., Coon, Davis, Diggs, Dustan, Ely, Ewing, Falmer, Finley, Gardner, Graves, Greene, Gregory, Griffin, Hatcher, Haughey, Inge, Jackson, Jones of Conecuh, Jones of Madison, Keffer, Kennemere, Latham, Lee, Lore, McGown, McLeod, Martin, Miller, Moore, Morgan, Morton, Norris, Rapier, Robinson, Rolfe, Smith, Strange, Strother, Walker of Jefferson, Walker of Shelby, Wheelan, Yordy—55.

NAYS—Messrs. Adams, Austin, Autry, Carraway, Collins, Deal, Dykes, Garrison, Greathouse, Johnson of Russell, Jolly, Mahan, Peters, Plowman, Royal, Russell of Barbour, Simmons, Skinner, Steed, Towles, Wilhite—21.

And the motion was therefore rejected.

Mr. Ewing of Baine, offered an amendment, "That the Commissioner shall be required to make plats of all unconveyed lands, and deposit the same in the Capitol, which shall be the property of the State."

Mr. Griffin of Mobile, moved that it be laid upon the table;

Which was agreed to.

Pending the consideration of the ordinance, Mr. Keffer of Montgomery, was granted leave to offer a resolution:

Resolved, That the ordinance offered by Mr. Bingham of Talladega, on November 12th, the two ordinances offered by Mr. Greathouse, on November 11th and 12th, the ordinance offered by Mr. Hayes, on November 15th, the two ordinances reported by the committee on Ordinances and State Government, on November 23d, the two ordinances offered by Mr. Strange, on November 25th, the article proposed by Mr. Bingham of Limestone, on November 23d, the ordinance offered by Mr. Haughey, on November 26th, and the ordinance offered by Mr. Davis, on November 21st, be all referred to a special committee, consisting of Thos. M. Peters, Thomas Haughey, Littleberry Strange, B. F. Saffold, Arthur Bingham, L. R. Smith, and S. S. Gardner, with instructions to report an ordinance or an article of the Constitution, embracing the whole subject of scaling debts, exemption, and insolvency, at the opening of the session of the Convention to-morrow morning, November 30th.

Which was agreed to.

Mr. Dustan of Marengo, moved that the committee adjourn to 3:30 p. m.

Mr. Griffin of Mobile, moved that the motion be tabled;

Which was agreed to.

The question recurring upon the passage of the ordinance, it was adopted by the following vote:

YEAS—Messrs. Adams, Austin, Autry, Blandon, Buckley of Lowndes, Buckley of Montgomery, Cabot, Collins, Coon, Davis, Deal, Diggs, Dustan, Dykes, Falmer, Greathouse, Hurst, Jones of Conecuh, Jones of Madison, McGown, Mahan, Peters, Plowman, Rapier, Robinson, Royal, Russell of Barbour, Simmons, Skinner, Steed, Stewart, Towles, Walker of Jefferson, Wilhite, Yordy—36.

NAYS—Messrs. Alexander, of A., Alexander of G., Applegate, Bingham of T., Black, Blackford, Brunson, Buck, Burton, Carraway, Ely, Ewing, Gardner, Graves, Gregory, Griffin, Hatcher, Haughey, Horton, Inge, Jackson, Johnson of R., Keffer, Kennemere, Latham, Lee, Lore, McLeod, Martin, Miller, Moore, Morgan, Morton, Norris, Rolfe, Saffold, Semple, Silsby, Smith, Speed, Strange, Strother, Walker of S., Wheelan—44.

Mr. Wheelan introduced "An Ordinance dissolving the rites of matrimony hitherto existing between James McClelland and his wife, both of the county of Hale"; and asked that it be referred to a special committee of five.

Mr. McGown of Tuscaloosa, moved that it be laid upon the table;

Which was rejected.

The chair appointed as the committee, Messrs. Wheelan, Smith, Coon, Blackford and Stewart.

And the ordinance was accordingly referred.

Mr. Carraway of Mobile, moved to take from the table the ordinance to secure certain congregations in their rights to church property;

And moved that the rules be suspended, and action taken upon the ordinance at once.

Mr. Smith of Choctaw, moved that it be made the special order for 10 o'clock to-morrow morning;

Which was agreed to.

Mr. Jones of Conecuh, moved that an ordinance for the relief of Wm. S. Baine, be taken up and put upon its final passage;

Which was agreed to, and the ordinance was passed.

Mr. Davis of Randolph, moved that an ordinance to divorce Thos F. Pate and Sarah Pate, be taken up and put upon its final passage;

Which was agreed to, and the ordinance was passed.

Mr. Stewart of Lauderdale, moved that an ordinance for the relief of Mrs. Mattie D. McIntyre, be taken up and put upon its final passage;

Which was agreed to, and the ordinance was passed.

Mr. Peters of Lawrence, moved that an ordinance to divorce Jehu Stokes and Sarah Stokes, be taken up and put upon its final passage;

Which was agreed to, and the ordinance was passed.

Mr. Griffin of Mobile, moved that the vote by which the ordinance for the relief of Mrs. McIntyre had been passed, be reconsidered;

Which was rejected.

Mr. Semple of Montgomery, moved that the Convention adjourn to 3:30 p. m.

AFTERNOON SESSION.

3:30—p. m.

The Convention met pursuant to adjournment, Mr. President in the chair.

Mr. Peters of Lawrence, introduced "An Ordinance to dissolve the bands of matrimony existing between W. H. Hunter and his wife Effie A. Hunter, formerly McDonald," and moved that the rules be suspended and the Ordinance read a 3d time and passed.

Mr. Griffin of Mobile, moved that it be tabled;

Which was rejected.

The Ordinance was then read a 2d and 3d time;

On the question of its passage Mr. Morgan demanded the yeas and nays;

Which being ordered, stood:

YEAS—Messrs. Adams, Alexander of Autauga, Alexander of Greene, Applegate, Austin, Autrey, Bingham of Limestone, Bingham of Talladega, Black, Blackford, Brainard, Brunson, Buckley of Lowndes, Collins, Coon, Davis, Diggs, Ewing, Falmer, Finley, Garrison, Gregory, Johnson of Russell, Jolly, Jones of Conecuh, Jones of Madison, Keffer, Kennemere, Latham, Lee, Mahan, McLeod, Martin, Masterson, Meadors, Morton, Norris, Peters, Plowman, Rapier, Robinson, Royal, Russell of Barbour, Simmons, Skinner, Smith, Springfield, Steed, Stewart, Walker of Jefferson, Wheelan, Whitney, Wilhite, Yordy—55.

NAYS—Messrs. President, Buck, Burdick, Burton, Carraway, Dustan, Ely, Griffin, Hatcher, Horton, Inge, Jackson, McGown, Moore, Silsby, Speed, Strange, Towles, Walker of Shelby—10.

So the ordinance was passed.

Mr. Wheelan of Hale, from the special committee, reported back the ordinance to dissolve the bonds of matrimony heretofore solemnized between James McClelland and his wife, with a recommendation that it pass.

Mr. Wheelan moved to suspend the rules, and proceed to the immediate consideration and passage of the ordinance.

On agreeing to the motion a division was called, and the vote stood, 47 to 23.

Mr. Dustan of Marengo, moved that it be tabled;

Which was rejected by the following vote: Yeas 46, nays 23.

The ordinance was then read a third time, and the yeas and nays being demanded on its final passage, stood:

YEAS—Messrs. Alexander of Autauga, Alexander of Greene, Applegate, Austin, Autrey, Bingham of Limestone, Blackford, Blandon, Brainard, Brunson, Buckley of Lowndes, Cabot, Collins, Coon, Davis, Ewing, Garrison, Greene, Gregory, Haughey, Hurst, Horton, Johnson of Russell, Jolly, Jones of Conecuh, Jones of Madison, Keffer, Kennemere, Latham, Lee, McGown, Mahan, McLeod, Martin, Meadors, Moore, Morgan, Morton, Norris, Peters, Plowman, Rapier, Royal, Russell of Barbour, Skinner, Smith, Speed, Springfield, Wheelan, Whitney, Wilhite, Yordy—52.

NAYS—Messrs. President, Black, Burton, Diggs, Dustan, Dykes, Ely, Falmer, Graves, Griffin, Hatcher, Stow, Strange, Walker of Jefferson, Walker of Shelby—15.

The ordinance was therefore passed.

Mr. Coon of Dallas, from the committee on the Judiciary, reported back "An Ordinance for the confirmation of acts done by military authority in this State," and moved that the rules be suspended and the ordinance finally acted upon;

Which was agreed to and the ordinance passed.

Mr. Griffin of Mobile, from the committee on Franchise, submitted the following report:

MONTGOMERY, Nov. 29, 1867.

To the President and Members of the Constitutional Convention:

GENTLEMEN—The committee on Franchise beg leave to recommend the adoption of the following section by the Convention, and that the same be referred to the committee on the Constitution.

Respectfully submitted.

ALBERT GRIFFIN,
JOHN C. KEFFER,
J. H. DAVIS,
B. W. NORRIS,
THOS. LEE,
THOS. HAUGHEY,
Committee.

§ 14. The General Assembly shall have power, at its first session, after the adoption of this Constitution, to alter or amend this article; *Provided*, That such alteration shall not enfranchise any person or persons now disfranchised by this article; *And provided further*, That no person or persons shall be disfranchised, by such alteration or amendment, who shall have aided in reconstructing this State under the laws of Congress, or who did not aid the enemies of the United States during the late rebellion;

And called the previous question on the reference of the article reported to the committee on the Constitution.

Mr. Semple of Montgomery, demanded the yeas and nays on the motion of calling the previous question;

Which were ordered, and being taken, stood:

YEAS—Messrs. Applegate, Bingham of Talladega, Blandon, Brunson, Buck, Davis, Diggs, Ely, Greene, Griffin, Haughey, Johnson of Henry, Johnson of Russell, Keffer, Latham, Lee, Lore, McLeod, Morton, Norris, Russell of Barbour, Simmons, Springfield, Strother, Walker of Shelby, Whitney, Wilhite—37.

NAYS—Messrs. President, Alexander of Autauga, Austin, Bingham of Limestone, Black, Buckley of Lowndes, Buckley of Montgomery, Burton, Cabot, Collins, Deal, Dustan, Dykes, Ewing, Falmer, Graves, Greathouse, Hurst, Horton, Jackson, Jones of Conecuh, Jones of Madison, Kennemere, McGown, Mahan, Martin, Meadors, Miller, Moore, Morgan, Peters, Rapier, Robinson, Royal, Semple, Skinner, Smith, Speed, Steed, Stewart, Strange, Towles, Walker of Jefferson, Wheelan, Yordy—47.

The call was therefore not sustained.

Mr. Griffin moved that the report be laid on the table.

Mr. Speed of Perry, moved to postpone the consideration until Tuesday next at 11, p m.

On which motion Mr. Griffin of Mobile, demanded the yeas and nays;

Which being ordered, stood:

YEAS—Messrs. Alexander of Autauga, Austin, Burton, Cabot, Collins, Deal, Dustan, Ewing, Falmer, Graves, Greathouse, Hayes, Jackson, Jolly, Jones of Conecuh, Jones of Madison, Latham, McGown, Mahan, Martin, Masterson, Meadors, Miller, Morgan, Rapier, Robinson, Rolfe, Saffold, Semple, Smith, Speed, Steed, Stewart, Stow, Strange, Towles, Walker of Jefferson, Wheelan—48.

NAYS—Messrs. President, Adams, Applegate, Bingham of Limestone, Bingham of Talladega, Blackford, Blandon, Brainard, Brunson, Buck, Buckley of Montgomery, Buckley of Lowndes, Coon, Davis, Diggs, Ely, Gardner, Greene, Griffin, Hatcher, Haughey, Inge, Johnson of Russell, Keffer, Kennemere, Lee, Lore, McLeod, Moore, Morton, Norris, Peters, Plowman, Russell of Barbour, Silsby, Skinner, Simmons, Strother, Walker of Shelby, Whitney, Wilhite, Yordy—42.

And the motion was rejected.

Mr. Griffin renewed his motion to lay the report upon the table.

On which motion Mr. Semple demanded the yeas and nays;

Which being ordered, stood:

Yeas—Messrs. President, Alexander of Autauga, Alexander of Greene, Applegate, Austin, Bingham of Limestone, Black, Blackford, Blandon, Brainard, Brunson, Buck, Buckley of Lowndes, Buckley of Montgomery, Diggs, Dykes, Ely, Finley, Gardner, Graves, Greene, Griffin, Hatcher, Haughey, Hurst, Horton, Inge, Jackson, Johnson of Russell, Jolly, Jones of Conecuh, Jones of Madison, Keffer, Kennemere, Lee, Lore, McGown, Mahan, McLeod, Miller, Moore, Morgan, Morton, Norris, Royal, Saffold, Silsby, Springfield, Stow, Strother, Walker of Shelby, Whitney, Yordy—54.

Nays—Messrs. Burton, Cabot, Carraway, Collins, Deal, Dustan, Ewing, Falmer, Greathouse, Johnson of Henry, Latham, Martin, Masterson, Meadors, Peters, Plowman, Rapier, Robinson, Semple, Simmons, Smith, Speed, Steed, Stewart, Strange, Towles, Walker of Jefferson, Wheelan, Wilhite—28;

And the report was therefore tabled.

Mr. Bingham of Limestone, from the committee on the Judicial Department, to whom had been referred "An Ordinance in reference to costs in suits of parties who had been pardoned by the Governor," reported adversely to the passage of the same.

Mr. Peters of Lawrence, moved that the report be accepted;

Which was agreed to.

Mr. Bingham of Limestone, from committee, reported back "An Ordinance declaring secession null and void," and recommended that the same be passed.

Mr. Moore of Baldwin, moved to amend by adding the word "unconstitutional" before null and void;

Which was agreed to.

Mr. Bingham moved that the rules be suspended and the ordinance acted on finally;

Which was agreed to.

The ordinance was then read a 2d and 3d time and passed.

Mr. Semple of Montgomery, from the committee on the Judicial Department to whom had been referred an ordinance concerning intermarriages between white persons and persons of color, submitted in lieu thereof, an article for incorporation in the Constitution, and moved its reference to the committee on the Constitution.

ARTICLE.

It shall be the duty of the General Assembly to pass such laws as may be necessary to prohibit the intermarriage of white persons with persons of color, to the fourth generation, and declaring such marriages void *ab initio*, and to subject persons contracting such marriages to such penalties as may be deemed expedient.

Mr. Griffin of Mobile, moved that it be tabled and printed with the proceedings.

Mr. Semple demanded the yeas and nays;

Which being ordered, stood:

YEAS—Messrs. President, Adams, Alexander of Greene, Applegate, Austin, Bingham of Limestone, Bingham of Talladega, Blackford, Blandon, Brainard, Brunson, Buck, Buckley of Montgomery, Coon, Diggs, Dykes, Ely, Finley, Gardner, Garrison, Greene, Griffin, Hatcher, Haughey, Inge, Johnson of Russell, Kennemere, Lee, Lore, McGown, Mahan, McLeod, Miller, Moore, Morgan, Morton, Norris, Peters, Plowman, Royal, Skinner, Smith, Springfield, Steed, Wheelan, Whitney. Yordy—48.

NAYS—Messrs. Alexander of Autauga, Autrey, Black, Buckley of Lowndes, Cabot, Carraway, Davis, Falmer, Graves, Gregory, Hurst, Jackson, Jolly, Jones of Conecuh, Jones of Madison, Latham, Martin, Meadors, Rapier, Robinson, Semple, Simmons, Speed, Stewart, Stow, Strange, Towles, Walker of Jefferson, Walker of Shelby, Wilhite—30.

Mr. Carraway of Mobile, offered the following:

Provided further, That any white man intermarrying or cohabiting with colored women, shall be imprisoned for life;

Which was tabled and ordered printed.

Mr. Peters of Lawrence, from the special committee to whom had been referred a petition of John A. Lile, reported "An Ordinance for the relief of John A. Lyle, Thos. Lyle, and others, heirs of Thomas Lyle, deceased."

And moved a suspension of the rules and that the ordinance be acted on finally;

Which was agreed to.

The Ordinance was then read a 2d and 3d time and passed.

Mr. Coon of Dallas, moved that the ordinance reported by the committee on Militia be taken up;

Section 1 was adopted.

Mr. Carraway of Mobile, moved to amend section 2 by adding, "such persons shall be known to be loyal to the Government of the U. S."

Section 2 as amended was adopted.

Section 3 was adopted.

Mr. Smith of Choctaw, moved to amend section 4 as follows:

"No county in this State shall have more than one company for every thousand qualified electors, but each county may have one company.

Section 4 as amended was adopted.

Sections 5, 6, 7, 8, 9, 10, 11 were adopted.

Mr. Coon moved to strike out section 12.

Which was agreed to.

Mr. Skinner moved to amend section 13 by striking out 20 and inserting two and one half.

Mr. Blackford demanded the yeas and nays;

Which being ordered, stood:

YEAS—Messrs. Adams, Alexander of Greene, Bingham of Limestone, Black, Blackford, Blandon, Brunson, Buck, Cabot, Collins, Davis, Deal, Dykes, Ely, Ewing, Finley, Graves, Greene, Gregory, Griffin, Hatcher, Haughey, Hurst, Inge, Jackson, Johnson of Russell, Jolly, Jones of Conecuh, Jones of Madison, Kennemere, Lee, McLeod, Miller, Moore, Norris, Peters, Robinson, Rolfe, Royal, Russell of Barbour, Skinner, Smith, Stewart, Strange, Wheelan, Wilhite, Yordy —47.

NAYS—Messrs. Applegate, Coon, Gardner, Semple, Simmons, Whitney—6.

Mr. Blackford of Hale, moved to further amend by striking out 5 and inserting 1;

Which was agreed to.

Mr. Skinner of Franklin, moved to further amend by striking out the words "may be imprisoned or put to hard labor until said fine is paid."

Mr. Whitney of Jackson, offered an amendment to the amendment:

To insert the words "shall be subject to trial by court martial, and subjected to such punishment as said court martial shall deem just."

Pending the consideration of which, the Convention, on motion of Mr. Semple, adjourned until 9 a. m., to-morrow morning.

TWENTY-THIRD DAY.

SATURDAY, Nov. 30, 1867—9 a. m.

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer was offered by the Rev. Mr. Inge of Sumter.

The roll of members was called, and a quorum being announced as present, the Convention proceeded to business.

The journal of yesterday's session was then read and approved.

Mr. Peters of Lawrence, from the committee on the Judicial Department, reported back favorably—

"An Ordinance for the relief of Reuben Kelly, of the county of Russell.

THAT WHEREAS, by a divorce of Chancery Court, of the 13th district Southern Chancery Division of the State of Alabama, at the Spring term thereof, 1867, that Letha Ann Kelly, wife of Reuben Kelly, of the county of Russell, was divorced from the bonds of matrimony, from her said husband, thereby relieved from all disabilities and allowed to marry again.

Now, therefore, be it Ordained by the People of Alabama in Convention Assembled, That the said Reuben Kelley be, and he is hereby relieved from all disabilities, on account of his matrimonial relation to the said Letha Ann Kelly, and that he is hereby authorized to marry again, without violation of law.

And moved that the rules be suspended and the ordinance acted on finally;

Which was agreed to.

On the question of its passage, Mr. Moore of Baldwin, demanded the yeas and nays, which being taken, resulted as follows:

YEAS—Messrs. Alexander of Autauga, Alexander of Greene, Applegate, Austin, Autrey, Bingham of Talladega, Blandon, Brunson, Cabot, Collins, Davis, Deal, Ewing, Falmer, Finley, Gardner, Garrison, Hatcher, Haughey, Jackson, Johnson of Henry, Jolly, Jones of Conecuh, Jones of Madison, Kennemere, Latham, Mahan, Martin, Masterson, Meadors, Morton, Norris, Peters, Plowman, Rapier, Russell of Barbour, Saffold, Semple, Simmons, Smith, Springfield, Steed, Stewart, Strange, Walker of Jefferson, Whitney, Wilhite—48.

NAYS—Messrs. Adams, Black, Buck, Buckley of Lowndes, Burton, Carraway, Coon, Dustan, Dykes, Graves, Gregory, Horton, Inge, Johnson of Russell, Lee, Lore, McGown, McLeod, Miller, Moore, Robinson, Royal, Strother, Walker of Shelby, Yordy—25.

And the ordinance was passed.

Mr. Peters of Lawrence, from the same committee, reported back favorably, an ordinance for the relief of Mrs. DeVane.

SEC. 1. *Be it Ordained by the People of the State of Alabama in Convention assembled,* That the bonds of matrimony between Peyton DeVane and Mary DeVane be, and the same are hereby dissolved.

And moved that the rules be suspended, and the ordinance acted on finally.

Mr. Griffin of Mobile, moved that it be referred to the Committee on Ordinances, and demanded the yeas and nays on the motion;

Which being taken, resulted as follows:

YEAS—Mr. President, Messrs. Adams, Alexander of Greene, Blackford, Blandon, Buck, Buckley of Lowndes, Burdick, Burton, Carraway, Deal, Griffin, Hurst, Horton, Inge, Johnson of Henry, Johnson of Russell, Lee, Lore, McGown, Moore, McLeod, Morgan, Strother, Yordy—25.

NAYS—Messrs. Alexander of Autauga, Applegate, Austin, Autry, Cabot, Collins, Davis, Dustan, Dykes, Ely, Finley, Gardner, Garrison, Gregory, Hatcher, Howard, Jolly, Jones of Conecuh, Jones of Madison, Kennemere, Latham, Mahan, Martin, Masterson, Meadors, Morton, Norris, Peters, Plowman, Rapier, Reynolds, Robinson, Royal, Russell of Barbour, Saffold, Semple, Simmons, Skinner, Smith, Springfield, Stewart, Steed, Towles, Walker of Jefferson, Walker of Shelby, Whitney, Wheelan, Wilhite—48.

And the motion was rejected.

Mr. Griffin then moved that it be laid upon the table;

Which was rejected.

Mr. Griffin then moved that it be indefinitely postponed;

Mr. Peters of Lawrence, moved to lay the question on the table;

Which was agreed to.

The rules were then suspended, and the ordinance passed.

Mr. Peters of Lawrence, introduced an ordinance to dissolve the bonds of matrimony existing between James L. Jackson and his wife Annie Jackson, formerly Baynian;

And moved the same action as in previous cases.

Mr. Morgan of Wilcox, moved the adoption of the rule that a majority of two-thirds shall be required to pass ordinances pertaining to divorces.

Mr. Peters of Lawrence, moved to lay the motion on the table;

Which was agreed to.

Mr. Morgan then moved that a majority of three-fourths be required in such cases.

Mr. Norris of Elmore, moved that the motion be tabled;

Which was agreed to.

Mr. Dustan of Marengo, moved to adopt as a rule, that the concurrence of a majority of the whole number of members should be required.

Mr. Smith of Choctaw, moved to lay the motion on the table;

Which was agreed to.

Mr. Moore of Baldwin, moved that hereafter all ordinances concerning divorces, (including the one before the House,) be referred to a committee of fifteen for their examination and report.

Mr. Alexander of Autauga, moved to lay the motion on the table;

Which was agreed to.

On which the yeas and nays were demanded, and being taken, stood:

Yeas—Messrs. President, Alexander of Greene, Alexander of Autauga, Applegate, Austin, Autrey, Bingham of Limestone, Blandon, Brunson, Buckley of Lowndes, Cabot, Carraway, Finley, Garrison, Gregory, Inge, Jackson, Jolly, Jones of Madison, Kennemere, Latham, McGown, Mahan, Masterson, Martin, Miller, Morton, Norris, Peters, Plowman, Rapier, Robinson, Russell of Barbour, Semple, Simmons, Skinner, Smith, Speed, Springfield, Steed, Stewart, Stow, Strange, Towles, Walker of Jefferson, Wheelan, Whitney, Wilhite—49.

Nays—Messrs. Adams, Black, Buck, Burdick, Buckley of Montgomery, Burton, Coon, Deal, Diggs, Dustan, Dykes, Ely, Graves, Griffin, Hatcher, Haughey, Hurst, Horton, Johnson of Henry, Jones of Conecuh, Lore, McLeod, Meadors, Moore, Morgan, Rolfe, Royal, Strother—28.

And the motion was therefore tabled.

The ordinance was then put upon its third reading.

Mr. Bingham of Limestone, moved that the ordinance be laid upon the table, and demanded the yeas and nays;

Which being taken, stood: yeas 24; nays 53.

The motion was therefore rejected.

The ordinance was then passed.

Mr. Horton of Mobile, introduced an ordinance to ratify acts of the General Assembly in aid of the Mobile Board of School Commissioners;

And moved that the rules be suspended, and the ordinance acted on finally;

Which was agreed to.

And the ordinance was read three times and passed.

Mr. Bingham of Limestone, from the special committee to whom the subject had been referred, reported back the following:

EXEMPTED PROPERTY.

ARTICLE —.

§ 1. The personal property of any resident of this State, to the value of one thousand dollars, to be selected by each resient, shall be exempted from sale, in execution or other final process, of any court, issued for the collection of any debt, contracted after the adoption of this Constitution.

§ 2. Every homestead not exceeding eighty acres of land, and the dwelling and appurtenances thereon, to be selected by the owner thereof, and not in any town, city, or village, or in lieu thereof, at the option of the owner; any lot in a city, town, or village, with the dwelling and appurtenances thereon, owned and occupied by any resident of this State, and not exceeding the value of two thousand dollars, shall be exempted from sale, or execution, or any other final process, from a court, for any debt contracted after the adoption of this Constitution. Such exemption, however, shall not extend to any mortgage lawfully obtained; but such mortgage or other alienation of such homestead, by the owner thereof, if a married man, shall not be valid, without the voluntary signature, and assent of the wife of the same.

§ 3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of any debts contracted after the adoption of this Constitution in all cases, during the minority of the children.

§ 4. The provisions of sections 1 and 2 of this article shall not be so construed, as to prevent a laborer's lien, for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

§ 5. If the owner of a homestead die, leaving a widow, but no children, the same shall be exempt, and the rents and profits thereof, shall inure to her benefit, during the time of her widowhood.

§ 6. The real and personal property of any female in this State, acquirable from marriage, and all property, real and personal, to which she may afterwards be entitled, by suit, grant, inheritance, or devise, shall be, and remain the separate estate and property of such female, and shall not be liable for any debts, obligations and engagements of her husband, and may be devised or bequeathed by her, the same as if she were a *femme sole.*

And moved that the Article be adopted, and referred to the Committee on the Constitution.

Mr. Gardner of Butler, moved that it be tabled and printed and made the special order for Monday at 11 a. m.;

Which was agreed to.

Mr. Bingham of Limestone, introduced an ordinance declaring the war debt of Alabama void:

Be it Ordained by the People of the State of Alabama in Convention assembled, That all debts and liabilities created by this State in aid of the late rebellion, directly or indirectly, and all legislation between January 10, 1861, and 20th of July, 1865, are hereby declared null and void; and the General Assembly of this State, or any department thereof, shall have no authority to assume or provide for the payment of any portion of said debts, nor shall the General Assembly of this State have authority to assume or provide for the payment of any portion of the debts contracted or incurred, directly or indirectly, by the so-called Confederate States, its agents, or by its authority.

Mr. Strange of Macon, moved that the rules be suspended, and the ordinance acted on finally.

Mr. Semple of Montgomery, moved that it be tabled and printed with the proceedings;

Which was agreed to;

Mr. Bingham moved that the consideration of special orders of the day be postponed in order to take up an ordinance relating to widows and orphans;

Which was rejected.

Mr. Strange of Macon, on leave being granted, reported from the Committee on Ordinances, an ordinance in reference to forced sales of lands by agents of the so-called Confederate Government, as follows:

An Ordinance to protect the rights of persons who were forced to sell their lands to agents of the so-called Confederate Government.

Be it Ordained by the People of the State of Alabama in Convention assembled, That the Probate Courts of this State shall have general jurisdiction of all cases in which pretended officers of the Nitre and Mining Bureau of the so-called Confederate States have impressed, or bought under threats of impressment or conscription, the lands of citizens of this State, on the petition of any person aggrieved, and that it shall be the duty of any County Solicitor, on the affidavit of such aggrieved person, that he is not able to pay an attorney's fee for the prosecution of his cause, to prosecute all such cases in said Probate Courts; the costs of such suits shall be the same as in the Circuit Courts for similar suits, and shall be paid by the unsuccessful party.

Mr. Saffold of Dallas, moved that its further consideration be postponed to Monday at 11 o'clock, a. m.;

Which was agreed to.

The unfinished business of the previous session, viz: the ordinance organizing the militia, was then taken up.

Section 13, as amended, was adopted.

Section 14 was adopted.

Mr. Smith of Choctaw, moved to amend section 15 by striking out the words "to the credit of the militia fund";

Which was not agreed to.

Mr. Smith moved to strike out the words beginning with "and the commanding officer," down to a, and including "until the forces are paid."

The amendment was adopted.

The section as amended, was adopted.

The 16th section was taken up.

Mr. Smith moved to strike out the section;

Agreed to.

The section as amended was adopted.

The eighteenth section was adopted.

The nineteenth section was taken up.

Mr. Smith moved to strike out the word "and," and insert, "every enlisted man shall receive".

The twentieth section was adopted.

The twenty-first section was adopted.

The twenty-second section was taken up.

Mr. Whitney moved to strike out the words "five years," and insert "one year";

The amendment was adopted.

The section as amended, was adopted.

The twenty-third section was adopted.

The twenty-fourth section was adopted.

The twenty-fifth section was taken up.

Mr. Peters moved to amend by striking out the words "Colbert, one company";

The amendment was adopted.

The section as amended was adopted.

The twenty-sixth section was taken up.

Mr. Griffin moved to strike out the section.

Not agreed to.

The section was then adopted.

Mr. Coon moved that the rules be suspended, and that the ordinance be put upon its final passage;

Agreed to.

The ordinance was then passed.

Mr. Bingham of Limestone, moved to take up the ordinance reported from the Judiciary Committee to legalize marriages between freedmen and freedwomen;

The motion was agreed to, and the ordinance taken up.

Mr. Gardner moved to amend by inserting after the word "bigamy," the words "adultery or fornication."

The amendment was agreed to.

The ordinance was then passed.

Mr. Peters, from the special committee to whom was referred several ordinances and proposed articles to the Constitution, concerning the payment of debts, reported back with an affirmative recommendation,

An ordinance to declare void certain judgments, and to grant new trials in certain cases therein mentioned.

An ordinance in relation to contracts;

And the following proposed article to the Constitution:

ARTICLE —.

§ 1. All debts contracted by the citizens of Alabama, to each other, previous to July 21, 1865, whether by bond, bill, note, account, mortgage, judgment, or decree, of any court of this State, including fiduciary debts, or demands for the payment of money, though the same may have been renewed since, which are still unpaid, either in whole or in part, shall be extinguished and satisfied, by the payment of twenty per centum of the principal or original amount of said debt, or unpaid balance, not including the interest, in two equal annual instalments, bearing eight per cent. interest, commencing from the date of the ratification of this Constitution by the people, and where suit has been instituted, or legal proceedings commenced on said debts, the costs shall be satisfied in the same rates. If the consideration of the debt was the purchase of real estate, and the title thereto has been made, and the obligation has not been transferred by the original holder, said debt shall be satisfied as above, by the payment of one-third of the original amount, or unpaid balance, if any payment has been made.

§ 2. If the real estate of the debtor has been sold for any of the debts described in section —, and bought by the creditor, and now in his possession, said real estate may be redeemed by the debtor, his heirs, or legal representatives, on the same terms as stated in section —.

§ 3. The provisions of section —, and section —, shall not apply to debts, judgments or decrees, and mortgages, barred by the statute of limitations.

§ 4, The General Assembly shall have power to suspend the courts of the State, anything in this Constitution to the contrary notwithstanding.

Mr. Griffin moved that the Convention proceed io the immediate consideration of the article;

Agreed to.

Mr. Peters advocated the adoption of the article.

The President, (Mr. Miller in the chair,) addressed the Convention in opposition to the article.

The Convention then adjourned until afternoon.

AFTERNOON SESSION.

The Convention re-assembled pursuant to adjournment, the President, E. W. Peck, in the chair.

Mr. Saffold, being entitled to the floor, spoke in favor of the article.

Mr. Griffin made some remarks in opposition to the article.

Mr. Blackford favored its adoption.

Mr. Jones of Conecuh, spoke in favor of the measure.

Mr. Semple opposed the adoption of the article.

Mr. Haughey spoke in favor of its adoption.

Mr. Dustan moved that the article be indefinitely postponed.

Mr. Smith moved to lay it on the table.

Mr. Morgan moved to adjourn.

The motion was agreed to.

And the Convention adjourned until 10 o'clock, on Monday, December 2d, 1867.

TWENTY-FOURTH DAY.

MONTGOMERY, ALA., Dec. 2d, 1867—10 a. m.

The Convention re-assembled pursuant to adjournment, the President, E. W. Peck, in the chair.

Prayer was offered by the Rev. Mr. Perdue of Wilcox.

The roll of members was called, and a quorum being announced as present, the Convention proceeded to business.

The journal of the session of Saturday was read and approved.

Mr. Griffin of Mobile, introduced an ordinance to relieve insolvent debtors;

And moved that it be laid on the table and printed, and that it be taken up at the same time as the ordinance reported by the special committee on Saturday;

Agreed to.

Mr. Peters of Lawrence, introduced an ordinance for the relief of the people of Alabama, and to extend the time for the redemption of land;

And moved that it be laid on the table and printed, and considered at the same time as the ordinances reported by the special committee on Saturday. Agreed to.

Mr. Bingham of Limestone, from the special committee, directed to enquire whether any money had been paid out of the treasury for purposes in aid of the rebellion, presented the following:

The committee to whom was referred the resolution directing an inquiry whether any money had been paid out of the treasury of Alabama, for or on account of debts or liabilities contracted during the rebellion, have had the same under con, sideration, and report that we find there has been paid to sundry individuals, the sum of thirty-four thousand, three hundred and seventy-eight dollars, and sixteen cents, as shown by the statement of the acting Comptroller, herewith submitted, and which the committee ask to have considered as a part of this report, and the sum of three thousand dollars paid to William H. Fowler, as a compensation for collecting the record of the military history of the Alabama volunteers in the rebel army, in glorification of the rebellion. These payments, from the testimony before the committee, have been made since the 30th day of September, 1865, and in consideration of services rendered while the State was in active hostility to the United States, embracing a period from the 1st of July, 1864, to 20th of July, 1865, and were in direct violation of an ordinance passed by the Convention assembled under the usurped authority of President Johnson, in the words following, to-wit:

Be it Ordained, &c., That all debts created by the State of Alabama, in aid of the late war, directly or indirectly, are hereby declared void; and the General Assembly shall have no authority, and they are hereby forbidden to ratify the same, or to assume or provide for the payment of the same, or any part thereof.

Notwithstanding this prohibitory mandate, it appears that the General Assembly, at its session of 1865, passed laws, approved by the pretended Governor, Robert M. Patton, authorizing the payment of some of these claims, while writs of *mandamus* were threatened and obtained, to coerce the payment of others. Not satisfied with the payment of these claims in good sound funds, these parties demanded the payment of fifty per cent. amount increase, which had been allowed by the rebel Legislature, previous to the surrender, to compensate for the depreciation of Confederate currency. The payment of this demand was resisted by the acting Comptroller, notwithstanding the opinion of the Attorney General decided these parties were entitled to it, some of whom made application to the courts for writs of *mandamus*, which being refused by the courts below, the case was carried up to the Supreme Court, so-called, and was lost by a division of opinion between two of the judges, the third, A. J. Walker, Esq., declining to sit, as he was a party interested in the decision.

To show with what perseverance the rebel officials pursued the treasury of an exhausted and ruined people, a Judge Coleman, who had served as colonel in the rebel army, made a claim of some six or seven thousand dollars, the payment of which was refused by the acting Comptroller, on the ground that he ought not to receive pay for two offices at once. He applied for, and obtained a writ of *mandamus* against the acting Comptroller, who was only relieved by military order of Gen. Swayne forbidding the payment. A Col. McGee preferred a claim for three thousand dollars, and obtained a *mandamus* from Judge Goldthwaite, compelling payment for his services as Salt Commissioner. The payment of this claim was likewise suspended by military order. The services for which these payments have been made, were all rendered during the rebellion, and for the purposes of the rebellion, and as such, should have been paid with the currency of the rebellion, and not demanded in sound funds, after the Convention of 1865 had declared all liabilites of the State void, which had been contracted in aid of the rebellion; and as the parties have been paid, contrary to right and justice, the committee recommend the adoption of the accompanying ordinance.

D. H. Bingham,
Thomas Haughey,
Henry McGown,
A. J. Applegate.

Comptroller's Office,
Montgomery, November 20, 1867.

Hon. D. H. Bingham, Chairman:

Dear Sir: In compliance with your request, contained in your communication of this date, I have the honor to report the following as a list of all claims paid since 30th of September, 1865, for services rendered previous to the 20th July, 1865, so far as the same can be ascertained, all of which, with the exception of two paid under special acts of the Legislature, were paid upon the opinion of the Attorney General of the State, which is now on file in this office.

Respectfully submitted.

M. A. Chisholm,
Comptroller of Public Accounts.

Statement of claims audited by the Comptroller, and paid by the Treasurer, which were made prior to the 1st day of July, 1865, and paid since the 30th September, 1865, showing the amount, consideration and name of the party to whom each payment was made, and by what authority paid:

To T. H. Watts, for services as Governor, from 1st July, 1864, to 20th July, 1865	$4,206 55
" P. H. Brittan, as Secretary of State, paid under act of December 15th, 1865	350 90
" W. J. Greene, Comptroller, from 1st April, to 20th July, 1865	723 00
" D. B. Graham, Treasurer, from 1st April, to July 20th, 1865	784 25
" A. J. Walker, Judge Supreme Court, from 1st April, to 29th September, 1865	1,978 25
" Jno. D. Phelan, Judge Supreme Court, from 1st April, to 20th July, 1865	1,978 25
" Jno. Foster, Chancellor, from 1st July, to 29th September, 1865	1,489 13
" N. W. Cocke, Chancellor, from 1st January, to 29th September, 1865	1,489 13
" J. R. John, Chancellor, from 1st October, 1864, to 20th July, 1865	1,603 28
	$16,780 06
To W. J. Harralson, Judge of Circuit Court, from 1st April, 1864, to 24th July, 1865	$2,630 42
" Robert Dougherty, Circuit Court Judge, from 1st January, to 4th August, 1865	1,184 78

" John K. Henry, Circuit Judge, from 1st January, to 31st July, 1865	1,168	42
" C. W. Rapier, Circuit Judge, for month of April, 1865	166	66
" W. B. Wood, Circuit Judge, from 16th November, 1864, to 20th July, 1865	1,350	25
" W. S. Mudd, Circuit Judge, from 1st January to 20th July, 1865	1,103	25
" Nat. Cook, Circuit Judge, from 1st October, 1864, to 20th July 1865	1,603	26
" Porter King, Circuit Judge, from 1st January, to 20th July, 1865	1,103	25
" John T. Heflin, Circuit Judge, from 1st January, to 20th July, 1865	1,103	25
" John D. Walden, for services as Solicitor, from October 2d, to December, 1865	599	78
" Samuel W. Morrison, Solicitor, from 20th November, 1854, to 20th July, 1865	166	66
" J. N. Arrington, Solicitor, from 1st January, to 30th July, 1865	107	90
" Alberto Martin, Solicitor, from 1st July, 1864, to 30th July, 1865	262	90
" R. H. Dawson, Solicitor, from 1st July, 1864, to 20th July, 1865	263	90
	$27,623	76
To J. B. McDonald, Solicitor, from 1st July, 1864, to 20th July, 1865	262	90
" B. Y. Ramsey, Solicitor, from 1st October, 1864, to 31st December, 1865	62	50
" J. H. Caldwell, Solicitor, from 1st October 1864, to 20th July 1865	200	00
" J. B. Taylor, Superintendant of Education, from fst April, to 28th September, 1865	989	12
" John W. Shepherd, Reporter to Supreme Court, from 1st April, to 20th July, 1865	361	95
" W. C. Allen, Clerk in Comptroller's office, from 1st April, to 20th July, 1865	301	63
" W. D. Brown, Marshal and Librarian, from 1st April, to 20th July, 1865	301	63
" J. H. Judkins, Private Secretary to Governor, from 1st April, to 20th July, 1865	377	04
" J. P. Waddell, Secretary to Governor, from 1st April, to 20th July, 1865	45	24

" Jno. A. Graham, Auditor of the Treasury, from 1st April, to 20th July, 1865..........	603	25
" W. D. Brown, Clerk to Secretary of State, from 1st April, to 20th July, 1865..........	226	22
" W. C. Allen, Clerk in Superintendant's office, from 1st April, to 20th July, 1865.........	494	57
	$34,378	15

Governor Watts, when he first went into office, said he did not intend to draw any salary, as he was a native Alabamian, but after the close of the war, he was so reduced in circumstances, that he then called for his back salary, from about November, 1863, to ——, 1865.

The Legislature granted an increase of salary to Circuit Judges, and State officers, of fifty per cent., except the Governor and Supreme Court Judges, but the fifty per cent. was not paid to any.

The Attorney General decided that the State was not out of the Union, and, therefore, the officers were entitled to their salaries, but the Comptroller refused to pay the fifty per cent., and then there was application made by officers to Judge Bugbee, for *mandamus* to compel the Comptroller to pay the fifty per cent., but Judge Bugbee refused to grant a *mandamus*, and the case was carried to the Supreme Court. Judge Walker did not sit in the case, and Judges Byrd and Judge divided on the question, and therefore left it to Judge Bugbee's opinion. Judge Coleman applied to the Comptroller for his salary, which was very large, (six or seven thousand dollars,) which he refused to pay; telling him that he had been a Colonel in the rebel army, and that he could not draw for two offices at once, and then Judge Coleman applied for and got a *mandamus* against the Comptroller, and then the Comptroller applied to the Legislature for additional council for defence, and the case was suspended under Gen. Swayne's order.

Col. McGee, a Salt Commissioner, applied to Judge Goldthwaite for a *mandamus* against the Comptroller, which was granted. The Comptroller told the Attorney General it was a war contract, and refused to pay it, but the Legislature declared it was for the poor of the State, and the case suspended.

There was no money borrowed from Mobile or Huntsville to pay war debts.

The Comptroller's books show all the items.

Mr. Saffold of Dallas, introduced an ordinance authorizing a special vote to be taken upon the articles of relief proposed to be incorporated in the Constitution.

Mr. Moore moved that the ordinance be laid on the table and printed;

Which was agreed to.

Mr. Miller moved to take from the table, the ordinance to secure certain congregations in their rights to church property.

The ordinance was taken up.

Mr. Semple moved to refer the ordinance, but withdrew it for the present.

Mr. Miller offered an amendment as a new section, as follows:

Any party feeling aggrieved at the decision of the Probate Judge, may take an appeal to the Circuit or Supreme Court, as in other cases.

Mr. Semple offered an amendment as follows:

Provided, That no proceedings shall be taken by the Judge of Probate until after personal notice to the party in possession or claiming the title thereto, if he resides in this State; *Provided also*, That the Judge of Probate shall have equity as well as common law jurisdiction in such cases, and no decree shall be made in favor of claimants until the whole purchase money shall have been paid.

Mr. Gregory moved to lay the amendment on the table.

Not agreed to.

Mr. Coon moved to strike out the words "and no decree shall be made until the whole purchase-money shall have been paid."

Mr. Semple of Montgomery, moved that the ordinance be referred to a special committee, with instructions to report tomorrow morning, immediately after the meeting of the Convention.

Mr. Miller of Lowndes, moved to lay the motion on the table.

Mr. Semple called for the yeas and nays.

The yeas and nays were ordered, and on being taken, resulted—yeas 43, nays 32.

So the motion to lay on the table was agreed to.

The question recurring on the adoption of the amendment offered by Mr. Coon,

Mr. Griffin of Mobile, moved that the amendment be laid upon the table.

Mr. Hurst of Coosa, moved that the whole subject be indefinitely postponed.

Mr. Norris of Elmore, moved to lay the motion to postpone on the table. Agreed to.

Mr. Buckley of Montgomery, moved that the subject be referred to the Judiciary committee, with instructions to report to-morrow morning, at 11 o'clock.

A motion to lay on the table was lost, and the motion to refer was then agreed to. So the subject was so referred.

Mr. Peters of Lawrence, from the committee on Printing, to whom was referred the resolution in regard to printing, reported that the expenditures for printing, up to the 26th ult., were $1,746 95, and recommended its allowance.

The report was accepted.

Mr. Peters stated that the committee could not at present ascertain the cost of printing the journal in book form, and the Constitution.

Mr. Coon of Dallas, offered the following:

Resolved, That when this Convention adjourn, it shall adjourn subject to the call of the President, E. W. Peck, or of the commanding officer of the Military District or Division.

Mr. Norris moved as an amendment the following:

Resolved, That it shall not be assembled under the expiration of one year from the time of its adjournment.

Mr. Coon offered an amendment:

Provided, That should it not be reconvened within one year, it shall be considered as having adjourned *sine die.*

The resolution with the amendment by Mr. Coon was adopted.

Mr. Jones of Madison, was granted leave of absence until to-morrow.

Mr. Coon offered the following:

Resolved, That it is the sense of this Convention that no member be excused except during the remainder of the session.

Mr. Moore of Baldwin, moved to amend by adding "except in case of sickness."

Mr. Coon accepted the amendment.

Mr. Peters moved to lay the resolution on the table.

Mr. Dustan of Marengo, moved to amend by adding the words "or urgent private affairs;"

Which was adopted.

On the motion to table, a division was called, and stood, 28 to 44; so the motion to table was not agreed to.

Mr. Hurst moved an indefinite postponement of the whole subject.

Mr. Norris moved to lay the whole subject on the table.

Mr. Smith called for the yeas and nays.

Mr. Garrison moved to strike out the words "or urgent private affairs;"

Which was rejected.

On the motion to lay the motion to postpone on the table, the yeas and nays were ordered, and on being taken, resulted, yeas 37, nays 34.

So the motion to lay on the table was agreed to.

Mr. Norris moved that the resolution be adopted;

Which was agreed to.

Mr. Dustan offered the following:

Resolved, That this Convention adjourn on Wednesday, the 4th of December.

Mr. Whitney moved to lay the resolution on the table;

Which was adopted.

Mr. Haughey moved to take up the ordinance offered by himself, for the relief of debtors.

Mr. Norris moved to lay the motion on the table;

Which was agreed to.

Mr. Norris moved to take from the table the report of the Committee on Oath of Office;

Which was agreed to.

And the report taken up.

Mr. Haughey offered a substitute for the oath reported by the Committee.

Mr. Masterson moved to lay the substitute on the table.

Mr. Haughey called for the yeas and nays, which were ordered, and on being taken, resulted—yeas 59, nays 20.

So the motion to lay on the table was agreed to.

Mr. Ely presented as a substitute for the report of the committee, to-wit:

Every person elected or appointed to either of the places, or officers, provided in this Constitution, and every person elected, appointed or commissioned to any judicial, executive, military, or other office, under this State, shall, before he enters on the discharge of the duties of his place or office, take and subscribe the following oath or affirmation:

OATH.

I, ———, do solemnly swear or affirm, that I will, to the best of my ability, support, protect and defend the Constitution of the United States, and of this State, so long as I continue a citizen thereof. I acknowledge and accept the established fact of the supreme authority of the Government of the United States over all the States, and its right and duty to enforce unity, obedience and support from all; that I prefer the present form of government of the United States to any other government, and that I will faithfully discharge the duties of the office of ———, to which I am elected, (or appointed); so help me God.

Mr. Haughey moved to lay the substitute on the table.

Mr. Masterson called for the yeas and nays.

The yeas and nays were ordered, and on being taken, resulted—yeas 44, nays 37.

Mr. Dustan, offered the following as a substitute for the oath:

OATH OF OFFICE.

I, ——, do solemnly swear, or affirm, that I am not disfranchised by the Constitution of Alabama, or by the Constitution or laws of the United States, that I will honestly and faithfully support and defend the Constitution and laws of the United States, the Union of the States, and the Constitution and laws of the State of Alabama, so long as I remain a citizen thereof; and that I will honestly and faithfully discharge the duties of the office upon which I am about to enter, to the best of my ability; so help me God.

On the motion to lay the substitute on the table, Mr. Hurst called for the yeas and nays, which were ordered, and on being taken, resulted—yeas 28, nays 51, as follows:

YEAS—Messrs. Applegate, Bingham of Limestone, Blandon, Brunson, Buck, Buckley of L., Carraway, Collins, Coon, Dykes, Ely, Garrison, Gregory, Jones of Madison, Kennemere, McGown, Moore, Norris, Rapier, Royal, Russell of Barbour, Simmons, Springfield, Steed, Strother, Whitney, Wilhite—28.

NAYS—Messrs. President, Alexander of Autauga, Alexander of Greene, Austin, Bingham of Talladega, Black, Blackford, Buckley of M., Burdick, Burton, Cabot, Davis, Deal, Diggs, Dustan, Ewing, Falmer, Gardner, Graves, Griffin, Hurst, Howard, Inge, Johnson of Henry, Johnson of Russell, Jolly, Keffer, Latham, Lee, Lore, Mahan, Martin, McLeod, Masterson, Meadors, Morgan, Morton, Peters, Plowman, Robinson, Rolfe, Saffold, Silsby, Smith, Speed, Stewart, Stow, Towles, Walker of Jefferson, Wheelan—51.

So the motion to lay on the table was not agreed to.

Mr. Graves moved the adoption of the substitute.

Mr. Griffin moved to postpone further consideration of the subject until half-past 3 o'clock.

On agreeing to the motion, division was called.

The yeas and nays not counted.

The motion was therefore agreed to.

Mr. Norris moved to take up the report of the committee on amendments to the Constitution;

Agreed to.

Mr. Griffin moved to strike out of the second paragraph, the words "after the expiration of twelve months after the adoption of this Constitution;"

Adopted.

Mr. Morgan moved that the words "without regard to race or color or previous condition," be stricken out.

Mr. Gregory of Mobile, moved to lay the motion to strike out on the table;

Not agreed to.

On agreeing to the amendment to strike out, division was called.

The yeas were 33, and the nays 26.

The report was then adopted.

Mr. Norris moved to refer it to the committee on the Constitution;

Agreed to.

Mr. Gardner offered the following, which was adopted:

Resolved, That the General Assembly at its first session, under the Constitution framed by this Convention, be requested to enquire and report in regard to the following matters, and take such further action thereupon as the public interests shall require:

SEC. 1. What action has been taken by the General Assembly of Alabama heretofore, in regard to the two and three per cent. funds, forming the five per cent. of the proceeds of sales of public lands, reserved under the act for the admission of Alabama into the Union, providing for internal improvements.

SEC. 2. To what objects and companies said funds have been loaned or appropriated, and how disbursed, and upon what security.

SEC. 3. Whether the General Assembly of Alabama has, at any time, taken illegal action in passing laws, relieving purchasers of University lands from their contracts, and vesting said funds in banking; and whether any practicable plan can be devised to secure any portion of the University or Sixteenth Section fund, that may have been squandered or misappropriated.

SEC. 4. Whether any of the Sixteenth Section lands have been sold for Confederate money, and report what action will be necessary to secure the value of lands to the Sixteenth Section fund.

Mr. Skinner, from the Judiciary Committee, reported back the following ordinance, with an affirmative recommendation:

WHEREAS, It is fit that the people should have fully as long a time within which to seek redress, by suit for trespasses, or wrongs to person, or to liberty, as they have to seek redress for a trespass to real or personal property;

And whereas, such is not now the law of this State, therefore,

Be it ordained by the people of Alabama in Convention assembled, That for any trespass, to person or to liberty—such as false imprisonment, or assault and battery, committed since the surrender of the Confederate forces under Gen. Robert E. Lee, or which may be hereafter committed, the injured person, or persons, may sue at any time, within six years from the time such trespass or wrong was committed, and that all in conflict with this ordinance, are hereby repealed, and declared wholly inoperative.

The rules were suspended and the ordinance was passed.

The hour of half-past one having arrived,

The Convention adjourned until half-past 3 o'clock, p. m.

AFTERNOON SESSION.

3:30—p. m.

The Convention met pursuant to adjournment, Mr. President in the chair.

The unfinished business of the morning session was taken up, being the consideration of the substitute for the oath of office, offered by Mr. Dustan.

Mr. Griffin offered a substitute for the substitute offered by Mr. Dustan, as follows:

OATH OF OFFICE.

I do solemnly swear or affirm, that I will faithfully support and obey the Constitution and laws of the United States, and the Constitution and laws of the State of Alabama, and that I will faithfully discharge the duties of the office of ——, to which I have been elected, (or appointed,) to the best of my ability; so help me God.

Mr. Griffin moved the previous question upon its adoption.

On sustaining the call for the previous question, the yeas and nays were called and ordered, and on being taken, resulted—yeas 20, nays 53, as follows:

Yeas—Messrs. Adams, Applegate, Autrey, Bingham of Limestone, Bingham of Talladega, Black, Coon, Diggs, Dykes, Haughey, Kennemere, Moore, Russell of Barbour, Simmons, Skinner, Springfield, Steed, Whitney, Wilhite, Yordy—20.

Nays—Messrs. President, Alexander of Greene, Blackford, Blandon, Brunson, Buck, Buckley of Lowndes, Buckley of Montgomery, Burdick, Burton, Cabot, Carraway, Collins, Davis, Deal, Dustan, Ewing, Falmer, Gregory, Griffin, Hatcher, Howard, Inge, Johnson of Henry, Johnson of Russell, Jolly, Jones of Conecuh, Jones of Madison, Keffer, Latham, McGown, Mahan, Masterson, Meadors, Miller, Morgan, Morton, Norris, Peters, Plowman, Rapier, Robinson, Royal, Silsby, Smith, Speed, Stanwood, Stewart, Stow, Strother, Towles, Walker of Jefferson—53.

So the call for the previous question was sustained.

Mr. Haughey moved to lay both the substitutes on the table.

Mr. Morgan moved that the vote be taken separately.

Mr. Haughey accepted the amendment.

The motion as amended, was agreed to;

The question was first taken on laying the substitute to the substitute on the table.

On agreeing to the motion, the yeas and nays were called and ordered, and, on being taken, resulted—yeas 67, nays 18, as follows:

Yeas—Messrs. President, Adams, Alexander of G., Applegate, Austin, Autry, Bingham of L., Bingham of T., Black, Blandon, Brainard, Brunson, Buckley of Lowndes, Buckley of Montgomery, Burdick, Burton, Cabot, Carraway, Coon, Collins, Diggs, Dykes, Ely, Ewing, Falmer, Finley, Gardner, Garrison, Greene, Gregory, Hatcher, Haughey, Howard, Inge, Johnson of R., Jones of Conecuh, Jones of Madison, Keffer, Kennemere, Latham, Lee, Lore, McGown, Mahan, McLeod, Martin, Masterson, Meadors, Miller, Moore, Peters, Plowman, Robinson, Rolfe, Royal, Russell of Barbour, Saffold, Simmons, Smith, Springfield, Steed, Strother, Towles, Walker of Jefferson, Walker of S., Whitney, Wilhite, Yordy—67.

Nays—Messrs. Alexander, of A., Blackford, Davis, Deal, Graves, Griffin, Hurst, Johnson of Henry, Jolly, Morgan, Morton, Norris, Rapier, Semple, Speed, Stewart, Stow—18.

Mr. Bingham of Limestone, moved that the substitute offered by Mr. Dustan be indefinitely postponed.

On agreeing to the motion, the yeas and nays were called and ordered, and on being taken, resulted—yeas 43, nays 43, as follows:

YEAS—Messrs. Adams, Alexander of Greene, Autry, Bingham of Limestone, Black, Blandon, Brainard, Brunson, Buckley of Lowndes, Carraway, Collins, Coon, Diggs, Dykes, Ely, Finley, Gardner, Garrison, Greene, Gregory, Hatcher, Haughey, Inge, Johnson of Henry, Jones of Madison, Keffer, Kennemere, Lee, Lore, Moore, Norris, Rapier, Russell of Barbour, Simmons, Springfield, Strother, Walker of Jefferson, Whitney, Yordy—43.

NAYS—Messrs. President, Alexander of Autauga, Austin, Blackford, Buckley of Montgomery, Burton, Cabot, Davis, Deal, Dustan, Ewing, Falmer, Griffin, Hurst, Howard, Johnson of Henry, Jolly, Jones of Conecuh, Latham, Mahan, Martin, Masterson, Meadors, Miller, Morgan, Peters, Plowman, Robinson, Rolfe, Saffold, Semple, Silsby, Smith, Speed, Stanwood, Towles, Stewart, Stow, Wheelan—43.

Mr. Silsby, offered a substitute as follows:

OATH OF OFFICE.

I do solemnly swear, or affirm, that I am a registered voter; that to the best of my knowledge and ability, I will support and defend the Constitution and laws of the United States, the Union of the States thereunder, and the Constitution and laws of the State of Alabama, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without mental reservation or purpose of evasion, and that I will well and truly discharge the duties of the office on which I am about to enter, so help me God.

Mr. Griffin moved to strike out of the substitute the words "I am a registered voter," and insert "I am not disfranchised by the Constitution of Alabama or of the Constitution or laws of the United States."

The amendment was accepted.

Mr. Gregory moved to strike out the words, "knowledge and."

Adopted.

Mr. Peters moved to lay the substitute on the table.

On agreeing to the motion, division was called. The ayes were 41, and the noes 39;

So the motion to lay on the table was agreed to.

Mr. Haughey moved to postpone further consideration until eleven o'clock to-morrow.

Mr. Smith, moved to lay the motion to postpone on the table;

Agreed to.

Mr. Bingham of Limestone, offered an amendment to the substitute offered by Mr. Dustan, as follows:

"That I am not disfranchised by the Constitution of Alabama, or by the Constitution or laws of the United States."

The amendment was adopted.

On the question of the adoption of the substitute as amended, the yeas and nays were called and ordered, and on being taken, resulted—yeas 72, nays 13.

Mr. Keffer moved that the substitute as adopted, be referred to the committee on the Constitution;

Agreed to.

Mr. Blackford introduced "An Ordinance to suspend the Courts of the State."

Mr. Blackford moved that the rules be suspended, and that the ordinance be put upon its passage.

On the motion to suspend the rules, division was called. The yeas were 46, and the nays 28. Two-thirds not voting to suspend the rules, the motion was not agreed to.

The ordinance was then tabled and ordered to be printed.

Mr. Semple, from the committee on the Judicial Department, to whom was referred the subject of property of the church congregations, reported the following ordinance:

Be it ordained by the people of the State of Alabama in Convention assembled;

§1. That whereas, it is stated that many cases exists, in which property was purchased for the use of congregations of colored persons for religious purposes, and the property was vested in white persons as trustees for the use of such congregations, and that the said persons refuse to devote the property to such use. Now, therefore, upon complaint of the duly appointed trustees, of such a congregation, the Judge of Probate of the county, in which the land may be situated, shall have jurisdiction to hear and determine the case, and he shall give notice by personal service, to the persons in possession of such property, resident in the State for thirty days, and if not a citizen of the State by publication for thirty days, in a newspaper of said county, and, after such notice, the Judge shall proceed to hear and determine the said application according to the law and equity of the case; *Provided*, That any one who will make himself a party to the proceedings, may take an appeal to the Circuit Court, or Supreme

Court of the State, within six months from the final decree in the case.

Mr. Semple moved to suspend the rules, and that the Convention proceed to the immediate consideration and passage of the ordinance.

The motion to suspend the rules was agreed to, and the ordinance was passed.

Mr. Peters moved that the ordinance in relation to the county of Baine, be taken up and disposed of.

Mr. Ewing moved to lay the motion on the table;

Not agreed to.

Mr. Speed moved to adjourn;

Not agreed to. Yeas 40, nays 42.

Subsequently, Mr. Applegate moved to adjourn,

Which was agreed to;

And the Convention adjourned to Tuesday morning, December 3d at 10 o'clock.

TWENTY-FIFTH DAY.

MONTGOMERY, ALA., Dec. 3, 1867—10 a. m.

The Convention met pursuant to adjournment, the President in the chair.

Prayer was offered by the Reverend Mr. Strother of Dallas.

The roll was called, and a quorum being present, the Convention proceeded to business.

The journal of yesterday's session was then read and approved.

Mr. Bingham of Limestone, moved to take up "An Ordinance to investigate the circumstances in relation to the payment of money out of the treasury for purposes connected with the rebellion," introduced yesterday by himself.

Mr. Jones of Conecuh, moved that the motion be laid upon the table.

Mr. Bingham demanded the yeas and nays on the motion;

Which being ordered and taken, resulted—yeas 29, nays 38.

YEAS—Messrs President, Alexander of Autauga, Alexander of Greene, Austin, Autrey, Blandon, Brunson, Buck, Cabot, Collins, Dustan, Dykes, Falmer, Graves, Howard, Jolly, Jones of Conecuh, Jones of Madison, Latham, Masterson, Morton, Meadors, Peters, Robinson, Royal, Russell of Barbour, Walker of Jefferson, Wheelan, Whitney—29.

NAYS—Messrs. Adams, Applegate, Black, Brainard, Bingham of Limestone, Buckley of Montgomery, Burton, Carraway, Coon, Davis, Diggs, Garrison, Gregory, Griffin, Hatcher, Haughey, Inge, Johnson of Henry, Johnson of Russell, Kennemere, Lore, Mahan, McLeod, Norris, Plowman, Rolfe, Silsby, Simmons, Smith, Springfield, Stanwood, Steed, Strother, Towles, Walker of Shelby, Wilhite, Yordy—38.

The motion was therefore rejected.

The question recurring on the motion to suspend rules, the yeas and nays were demanded, and being ordered and taken, stood:

YEAS—Messrs. Applegate, Bingham of Limestone, Black, Blandon, Brainard, Buck, Buckley of Lowndes, Buckley of Montgomery, Burton Cabot, Carraway, Collins, Coon, Davis, Diggs, Finley, Garrison, Green, Gregory, Hatcher, Hurst, Inge, Johnson of Henry, Jones of Madison, Kennemere, Lee, Lore, McLeod, Moore, Morton, Norris, Peters, Plowman, Rolfe, Royal, Russell of Barbour, Silsby, Simmons, Smith, Springfield, Stanwood, Steed, Strother, Walker of Jefferson, Walker of Shelby, Whitney, Wilhite, Yordy—48.

NAYS—Messrs. President, Alexander of Autauga, Alexander of Greene, Austin, Autrey, Brunson, Burdick, Dustan, Dykes, Ewing, Graves, Jolly, Jones of Conecuh, Martin, Masterson, Meadors, Robinson, Semple, Towles, Whelan—21.

And the rules were therefore suspended.

Mr. Peck of Tuscaloosa, (Mr. Griffin in the chair,) offered an amendment to the ordinance, to insert after the word "Alabama" the words, "or such of said persons as they may deem proper," (which Mr. Bingham accepted,)

And the ordinance was then passed.

Mr. Smith of Choctaw, reported from the Committee on Enrolled Bills, sundry ordinances as correctly enrolled;

Which was agreed to.

Mr. Peters of Lawrence asked leave of absence for one week for Mr. Howard of Crenshaw;

Which was granted.

Mr. Bingham of Limestone, moved that the article on exempting property, reported by the special committee, be taken up section by section.

Mr. Masterson of Lawrence, offered an amendment, adding the words "real and" before the word "personal," and to strike out the words "one thousand," and insert "five thousand."

Mr. Garrison moved to amend the amendment by striking out "five thousand," and inserting "three thousand."

The amendment to the amendment was agreed to.

Mr. Bingham of Limestone, moved to strike the words "real and" out of the amendment;

Which was not agreed to.

Mr. Skinner moved an amendment to the amendment, by striking out "three thousand," and insert "one thousand five hundred."

Mr. Whelan moved to lay the amendment on the table;

Which was agreed to.

On the adoption of the amendment division was called.

The yeas were 47, nays not counted.

So the amendment was adopted.

Mr. Griffin moved to amend by striking out the words "such resident," and insert "each head of a family;"

Which was agreed to.

Mr. Semple of Montgomery, offered an amendment, to-wit:

To strike out "three thousand," and insert "four thousand five hundred."

Mr. Silsby suggested that "five thousand five hundred" be inserted.

Mr. Semple accepted the amendment.

On which the yeas and nays were demanded, and being ordered and taken, were:

YEAS—Messrs. Adams, Austin, Bingham of Limestone, Bingham of Talladega, Blackford, Blandon, Brainard, Buckley of Montgomery, Coon, Dustan, Dykes, Green, Gregory, Haughey, Howard, Inge, Johnson of Russell, Jones of Madison, Latham, Lore, McLeod, Martin, Masterson, Miller, Moore, Morton, Morgan, Peters, Plowman, Robinson, Saffold, Semple, Silsby, Stanwood, Steawart, Stow, Strange, Walker of Jefferson, Whitney—42.

NAYS—Messrs. President, Alexander of Autauga, Alexander of Greene, Autrey, Brunson, Carraway, Collins, Deal, Ewing, Falmer, Garrison, Graves, Griffin, Hatcher, Jolly, Keffer, Kennemere, Lee, McGown, Mahan, Meadors, Norris, Royal, Simmons, Skinner, Smith, Springfield, Strother, Towles, Whelan, Wilhite, Yordy—33.

And the motion was agreed to.

Mr. Griffin of Mobile, moved to strike out of section two, down to the words, "such exemption," and strike out "if a married man," and to add remainder of the section to section one;

Which was agreed to.

Mr. Whelan of Hale, moved to strike out the word "voluntary;"

Which was rejected.

The yeas and nays were demanded on the adoption of section 1, as amended, and being ordered, stood:

YEAS—Adams, Alexander of Autauga, Bingham of Limestone, Bingham of Talladega, Buck, Buckley of Lowndes, Burton, Cabot, Ely, Latham, McLeod, Martin, Masterson, Moore, Morton, Peters, Plowman, Robinson, Saffold, Semple, Silsby, Speed, Steed, Stewart, Strange, Smith, Walker of Jefferson, Yordy—30.

NAYS—Mr. President, Alexander of Greene, Applegate, Austin, Autrey, Black, Blandon, Brunson, Burdick, Carraway, Collins, Davis, Deal, Dykes, Ewing, Falmer, Gardner, Green, Gregory, Griffin, Hatcher, Inge, Jackson, Johnson of Henry, Johnson of Russell, Jolly, Jones of Conecuh, Jones of Madison, Keffer, Kennemere, Lee, McGown, Mahan, Meadors, Miller, Morgan, Rapier, Royal, Simmons, Skinner, Springfield, Stanwood, Stow, Towles, Walker of Shelby, Whelan, Whitney, Wilhite—50.

And the section was lost.

Mr. Moore of Baldwin, moved that the entire article be tabled;

Which was agreed to.

Mr. Moore of Baldwin, offered a resolution:

Be it resolved by this Convention, That the Tax Collectors of Baldwin county, Alabama, Robert J. Barlowe and William Wilkins, pay over to the Treasurer of said county, within thirty days, the amount of money collected from the tax payers of said county, for the year 1865, without compensation or fees for the same; the said taxes having been collected without the authority of law, it is hereby ordered that the money so collected, as above stated, be refunded to the persons who paid the said tax, and be subject to their order;

And moved its reference to a special committee;

Which was agreed to.

And the chair appointed as the committee Messrs. Moore, Norris, Brainard.

Mr. Peters of Lawrence moved to take up "An Ordinance abolishing the county of Baine."

Mr. Griffin of Mobile, moved to lay the motion on the table;

On which division was called, and stood—yeas 36, nays 36.

So the motion to lay on the table was not agreed to.

The ordinance was therefore taken up.

Pending the question,

Mr. Keffer, on leave, moved that the Committee on Constitution be authorized to report the Constitution in print tomorrow; which was agreed to.

The question recurring on the ordinance, it was then passed by the following vote:

YEAS—Applegate, Austin, Autrey, Bingham of Limestone, Brainard, Buck, Buckley of Lowndes, Carraway, Collins, Coon, Davis, Diggs, Garrison, Green, Gregory, Hatcher, Haughey, Inge, Kennemere, Lore, McGown, McLeod, Masterson, Moore, Morton, Norris, Peters, Russell of Barbour, Saffold, Simmons, Skinner, Springfield, Stanwood, Steed, Strange, Strother, Towles, Walker of Jefferson, Whitney, Yordy—41.

NAYS—Messrs. President, Adams, Alexander of Autauga, Bingham of Talladega, Black, Blackford, Blandon, Buckley of Montgomery, Burton, Cabot, Deal, Dustan, Dykes, Ely, Ewing, Falmer, Gardner, Graves, Hurst, Johnson of Russell, Jolly, Jones of Conecuh, Latham, Mahan, Martin, Meadors, Miller, Royal, Semple, Silsby, Smith, Stewart, Stow, Wheelan, Wilhite—34.

Mr. Peters of Lawrence, offered the following as an article concerning State boundaries:

§ —. The boundaries of this State are established and declared to be as follows—that is to say, beginning at the point where the thirty-first degree of north latitude crosses the Perdido river; thence, east, to the western boundary line of the State of Georgia; thence along said line to the southern boundary line of the State of Tennessee; thence, west along to the southern boundary of the State of Tennessee, crossing the Tennessee river, and in the second intersection of said river by said line; thence up said river to the north of Big Bear Creek; thence, by a direct line, to the northern corner of Washington county, in this State, as originally formed; thence southerly, along the line of the State of Mississippi to the Gulf of Mexico; thence eastwardly, including all the islands within six leagues of the shore to the Perdido river, and thence up the said river to the place of beginning;

Which was adopted, and referred to the Committee on the Constitution.

The hour of adjournment having arrived, the Convention adjourned to 3:30 p. m.

AFTERNOON SESSION.

3:30—p. m.

The Convention met pursuant to adjournment, the President in the chair.

Mr. Wilhite of Winston, moved to take from the table an article reported from committee on Judicial Department concerning intermarriages.

On the question of taking it up the yeas and nays were demanded, and being taken, stood:

Yeas 36, nays 33.

Mr. Carraway moved to take up also his amendment to the article.

Mr. Gregory of Mobile, moved to table the whole subject;

Which was agreed to as follows:

Yeas—Messrs. President, Adams, Alexander of Greene, Applegate, Austin, Autrey, Bingham of Limestone, Bingham of Talladega, Black, Blandon, Brainard, Brunson, Buck, Buckley of Lowndes, Buckley of Montgomery, Burdick, Burton, Coon, Diggs, Dykes, Gardner, Garrison, Gregory, Griffin, Hatcher, Haughey, Inge, Johnson of Henry, Johnson of Russell, Kennemere, Lee, Lore, McGown, Mahan, Martin, Masterson, Miller, Moore, Morgan, Morton, Norris, Peters, Plowman, Rolfe, Royal, Russell of Barbour, Saffold, Silsby, Smith, Springfield, Steed, Strother, Walker of Jefferson, Walker of Shelby, Whitney, Yordy—56.

Nays—Messrs. Alexander of Autauga, Blackford, Cabot, Carraway, Collins, Deal, Falmer, Graves, Green, Hurst, Jolly, Jones of Conecuh, Jones of Madison, Latham, McLeod, Meadors, Rapier, Robinson, Semple, Stewart, Strange, Towles, Wheelan, Wilhite—24.

Mr. Bingham of Limestone, offered the following resolution:

Resolved, That the certificates issued by the President of this Convention, and countersigned by the Secretary, and approved by the Chairman of the Committee on Accounts, to the members of the Convention in payment of their per diem and mileage, shall bear eight per cent. interest, until paid, and the Comptroller of the State of Alabama is hereby directed to draw his warrant for the same in addition to amount called for on the face of the certificate.

Mr. Peters of Lawrence, moved that it be laid on the table;

Which was agreed to.

Mr. Griffin of Mobile, moved that the Convention proceed to the election of a Commissioner of Immigration as provided for in an ordinance passed on Nov. 30th;

Which was agreed to.

Mr. Griffin then nominated N. B. Cloud of Montgomery, and moved that he be elected by acclamation;

Which was agreed to.

Mr. Saffold of Dallas, offered the following:

Resolved, That a committee of three be appointed by the Chair, to report an ordinance, directing the manner and time of submitting the Constitution to a vote of the people, and of electing officers;

Which was adopted, and the President appointed as the committee, provided for in the resolution, Messrs. Saffold, Peters, and Stow.

Mr. Whitney of Jackson, asked leave of absence for Mr. Deal of Dale;

Which was granted.

Mr. Whitney offered the following resolution:

Resolved, That a committee of three be appointed by the President of this Convention to make arrangements with parties in the city of Montgomery, whereby the State Comptroller's warrants, issued in payment of the expenses of this Convention, can be paid without delay, and report to the Convention to-morrow morning at 10 o'clock;

Which was adopted, and the Chairman appointed as the committee provided for in the resolution, Messrs. Stow, Wheelan, and Gardner.

Mr. Semple, from the committee on the Judicial Department, reported back an ordinance.

Mr. Semple from the Judicial committee, reported back the ordinance for the relief of John O. Siler, empowering him to sit as Judge of Probate, in a certain case, with a recommendation that it do pass, and moved that the rules be suspended and the ordnance passed;

Which was agreed to.

Mr. Peters offered the following:

Resolved, That the Assistant Secretary, Engrossing, Enrolling, Journal and Ordinance clerks be entitled to eight dollars per diem, provided they do not charge for extra time while in attendance on the Convention.

The resolution was adopted.

Mr. Gregory of Mobile, introduced "An Ordinance concerning public highways in this State, and moved that it be tabled and printed;"

Which was agreed to.

Mr. Jones of Conecuh, introduced "An Ordinance to exempt property from levy and sale under execution, and moved that it be tabled and printed;"

Which was rejected.

Mr. Graves of Perry, moved a reconsideration of the vote by which the article on exempted property had been tabled;

Which was agreed to.

Mr. Graves then moved the previous question on the adoption of the article as originally reported by the committee.

The article was adopted, and on motion of Mr. Bingham, referred to the committee on the Constitution.

Mr. Blackford of Hale, moved that "An Ordinance suspending the courts of this State" be taken up and the ordinance acted on finally.

A division was called on the question of suspending the rules, and stood, 42 to 22.

Therefore, the motion was lost.

Mr. Peters, from the special committee on Relief, moved to take up "An Ordinance to stay the collection of debts."

Mr. Moore of Baldwin, moved to lay the motion on the table;

Which was rejected.

Mr. Peters moved to amend by striking out the words "the acceptance of the Constitution, and the admission of this State into the Union," and insert "the first day of January, 1869";

Which was agreed to.

Mr. Strange of Macon, offered an amendment, requesting the commander of the military district to give force and effect to the ordinance, staying the proceedings of the courts.

Mr. Peters moved to lay it on the table;

Which was agreed to, and on the question of the passage of the ordinance, it was passed by the following vote:

Yeas—Messrs. Adams, Applegate, Austin, Autrey, Bingham of Limestone, Bingham of Talladega, Blackford, Brainard, Brunson, Burdick, Burton, Carraway, Coon, Davis, Deal, Diggs, Gardner, Garrison, Greene, Gregory, Hatcher, Haughey, Hurst, Jones of Conecuh, Jolly, Kennemere, Latham, Lee, Mahan, McLeod, Martin, Masterson, Miller, Morgan, Norris, Peters, Plowman, Saffold, Silsby, Simmons, Skinner, Smith, Springfield, Steed, Strange, Strother, Walker of Jefferson, Walker of Shelby, Whitney, Wheelan—49.

Nays—Messrs. President, Alexander of Autauga, Blandon, Buck, Cabot, Collins, Dykes, Ely, Graves, Johnson of Russell, Jones of Madison, Meadors, Moore, Rapier, Royal, Russell of Barbour, Semple, Wilhite—18.

On motion the Convention adjourned to 9 a. m. to-morrow, December 4, 1867.

TWENTY-SIXTH DAY.

MONTGOMERY, ALA., December 4, 1867.

The Convention re-assembled pursuant to adjournment, the President, E. W. Peck, in the chair.

Prayer was offered by the Rev. Mr. Silsby, of Dallas.

The roll of members was called, and a quorum being announced as present, the Convention proceeded to business.

The journal of the session of the preceding day was read and approved.

The President announced that he had received a personal communication from General Pope on the subject of the vote of thanks which had been passed by the Convention, in which the General used the following words:

"Be pleased to present my sincere thanks to the Convention for this flattering mark of their approval."

Mr. Peters gave notice that he would in the afternoon introduce a resolution, recommending the removal of the Capitol from the City of Montgomery.

Mr. Griffin moved that the call of districts be suspended;

Which was agreed to.

Mr. Griffin moved that a committee of seven members be appointed to divide the State into judicial circuits and chancery districts, with instructions to report at half past three o'clock;

Which was agreed to.

The President announced the Committee as follows:

Messrs. Skinner, Jones of Conecuh, Buckley of Lowndes, Wheelan, Martin, Applegate, Coon.

Mr. Moore, from the special committee in regard to taxes unlawfully collected in Baldwin county, reported an ordinance upon the subject.

The ordinance was read a first and second time, and ordered to be read a third time to-morrow.

Mr. Moore moved to reconsider the vote by which the ordinance was laid over until to-morrow;

Which was agreed to.

Mr. Norris moved to suspend the rules, and proceed to the immediate consideration and passage of the ordinance.

The rules were suspended, and the ordinance was read a third time, and passed finally.

Mr. Norris offered the following, which was adopted:

Resolved, That the Committee on Representation be, and they are hereby instructed to assign an additional representative to the General Assembly, to such county as by its number of registered voters may be entitled to the same, and report their action to this Convention; such assignments having become necessary by the abolishment of the county of Baine.

Mr. Keffer, from the Committee on Constitution, reported the Constitution as it had passed the Convention and arranged by the committee.

Mr. Davis moved that no member, during the consideration of the report, be allowed to speak more than five minutes, nor more than once on the same subject;

Which was agreed to.

Mr. Keffer read the Constitution as reported by the committee.

Mr. Griffin moved to take up the proposed article to the Constitution, reported by the Committee on Taxation;

Which was agreed to.

The article indicated was read.

Mr. Griffin moved that the article be adopted.

Mr. Coon moved to strike out "poll," and insert "per capita."

Mr. Griffin moved to lay the amendment on the table;

Which was agreed to.

Mr. Bingham moved to insert the word "cash" before "value."

Mr. Peters moved to lay the amendment on the table;

Which was agreed to.

Mr. Peters moved that no amendment be considered until it is proposed in writing;

Which was agreed to.

Mr. McLeod moved to amend by reducing the poll tax to one dollar.

Mr. Griffin called the previous question on the adoption of the article.

The call for the previous question was sustained, the main question was ordered, and the article was adopted.

Mr. Griffin moved that the report of the Committee on the Constitution be adopted, and called the previous question upon the motion.

Mr. Peters moved that the call for the previous question be laid on the table.

Mr. Semple rose to a point of order. A motion to lay on the table did not take precedence of a call for the previous question.

The President declared the point of order was well taken.

Mr. Gardner appealed from the decision of the chair.

On deciding the appeal, division was called. The ayes were 35 and the nays 29.

So the decision of the President was sustained.

On ordering the main question, the yeas and nays were called and ordered, and on being taken, resulted—yeas 23, nays 44, as follows:

Yeas—Messrs. Applegate, Bingham of Talladega, Blandon, Buck, Carraway, Collins, Coon, Dustan, Dykes, Ely, Falmer, Green, Griffin, Inge, Johnson of Russell, Jones of Madison, Keffer, Lee, Lore, Martin, Russell of Barbour, Smith, Yordy—23.

Nays—Messrs. President, Alexander of Autauga, Autrey, Blackford, Buckley of Montgomery, Burton, Davis, Diggs, Ewing, Gardner, Hatcher, Haughey, Hurst, Jones of Conecuh, Kennemere, Latham, McLeod, Masterson, Meadors, Miller, Moore, Morgan, Morton, Peters, Rapier, Saffold, Semple, Silsby, Simmons, Skinner, Speed, Springfield, Steed, Stewart, Stow, Towles, Walker of Jefferson, Whelan, Whitney, Wilhite—44.

So the main question was not ordered.

Mr. Miller moved that the report of the committee be accepted;

Which was agreed to.

Mr. Peters moved to lay the report on the table until printed copies could be obtained;

Which was not agreed to.

Mr. Peters moved that the Constitution be taken up, and read a second time, section by section, and article by article.

On agreeing to the motion, division was called. The yeas were 39 and the nays 15.

So the motion was agreed to.

Mr. Carraway offered the following:

Resolved, That all amendments proposed shall be read, and voted upon without discussion.

Mr. Peters moved to lay the resolution on the table;

Which was agreed to.

The report of the committee was then taken up.

The preamble was adopted.

The first section was adopted.

The second section was taken up.

Mr. Semple offered an amendment in the nature of a proviso, as follows:

Proviso to Section 2d, Article II.

Provided, That such reasonable regulations as may be demanded by public sentiment may be adopted by owners of hotels, steamboats, railroads, and places of public amusement, as may be necessary to secure separate accommodations to white and colored persons.

Mr. Applegate moved to lay the amendment on the table.

Mr. Semple called for the yeas and nays, which were ordered, and on being taken, resulted—yeas 54, nays 23, as follows:

YEAS—Messrs. President, Alexander of Greene, Applegate, Bingham of Limestone, Bingham of Talladega, Black, Blackford, Blandon, Brainard, Buck, Buckley of Montgomery, Burdick, Burton, Carraway, Coon, Diggs, Ely, Ewing, Finley, Gardner, Garrison, Green, Gregory, Griffin, Hatcher, Haughey, Inge, Johnson of Russell, Jones of Madison, Keffer, Kennemere, Lee, Lore, Mahan, McLeod, Miller, Moore, Morgan, Morton, Norris, Peters, Plowman, Rapier, Rolfe, Royal, Silsby, Simmons, Skinner, Smith, Springfield, Strother, Wheelan, Whitney, Yordy—54.

NAYS.—Messrs. Adams, Alexander of Autauga, Autrey, Cabot, Collins, Dustan, Dykes, Graves, Hurst, Jones of Conecuh, Latham, Martin, Masterson, Meadors, Saffold, Speed, Steed, Stow, Strange, Towles, Wilhite—23.

So the motion to lay on the table was agreed to.

Mr. Saffold, in voting no, explained that he did not consider the proviso as discriminating unfavorably against any of our citizens.

The first section was adopted.

The second, third, fourth, fifth, sixth, seventh, eighth and ninth sections were successively adopted.

The tenth section was read.

Mr. Buck moved to strike out the word "service" and insert "forces;"

Which was not agreed to.

The section was adopted.

Sections eleven, twelve, thirteen and fourteen were successively adopted.

Mr. Strother moved to adjourn until half past three o'clock;

Which was not agreed to.

Mr. Semple moved that when the Convention adjourn, it adjourn until half past three o'clock;

Which was agreed to.

Sections fifteen, sixteen, seventeen, eighteen and nineteen were successively adopted.

Section twenty was taken up.

Mr. Gardner moved to amend by adding, after the word "aid," "or aiding, or countenancing, any effort to dismember the State from the United States."

Mr. Griffin moved to lay the amendment on the table;

Which was agreed to.

The section was then adopted.

Sections twenty-one, twenty-two, twenty-three, twenty-four and twenty-five were successively adopted.

The twenty-sixth section was taken up.

Mr. Graves moved to strike out all of the section after the word "imposed."

Mr. Griffin moved to amend by striking out the words "or structure;"

Which was agreed to.

Mr. Haughey moved to lay the amendment of Mr. Graves on the table.

On agreeing to the motion, the yeas and nays were called and ordered, and, on being taken, resulted—yeas 36, nays 28, as follows:

Yeas—Messrs. President, Adams, Alexander of Autauga, Applegate, Autrey, Bingham of Talladega, Black, Blandon, Brainard, Buck, Buckley of Lowndes, Buckley of Montgomery, Burdick, Burton, Carraway, Diggs, Dykes, Gardner, Green, Gregory, Griffin, Hatcher, Johnson of Russell, Kennemere, Lee, Lore, McLeod, Norris, Peters, Plowman, Rapier, Royal, Silsby, Smith, Strother, Whitney, Yordy—36.

Nays—Messrs. Alexander of Autauga, Bingham of Limestone, Blackford, Collins, Davis, Dustan, Ely, Ewing, Garrison, Graves, Hurst, Jones of Conecuh, Latham, Mahan, Martin, Miller, Moore, Morgan, Morton, Rolfe, Russell of Barbour, Semple, Speed, Stow, Strange, Towles, Wilhite—28.

So the motion to lay on the table was agreed to.

The hour of half past one having arrived, the Convention adjourned until afternoon.

Afternoon Session.

The Convention re-assembled pursuant to adjournment, the President, E. W. Peck, in the chair.

The Convention re-assembled at 3½ o'clock, and resumed the consideration of the Preamble and Bill of Rights, the question being on the adoption of the 26th section.

Mr. Bingham offered the following amendment as a proviso:

Resolved, That nothing in this section shall be construed as in conflict with the provisions of section 25.

The amendment was laid on the table.

The section was then adopted.

Section twenty-seven was adopted.

Section twenty-eight was then taken up.

Mr. Gardner moved to amend by inserting after the word "common" the words "or individual;"

Which was agreed to.

Mr. Blackford moved the following as a substitute for the section:

That every citizen has a right to bear arms in defense of himself and the State.

The substitute was adopted.

Section 29 was adopted.

Section 30 was adopted.

Section 31 was adopted.

The 32d section was then taken up.

Mr. Graves moved to amend by striking out the clause declaring that no property qualification shall be necessary to render one eligible to office.

Mr. Norris moved to lay the amendment on the table;

Which was agreed to.

The section was then adopted.

The 33d section was then taken up.

Mr. Plowman moved to strike out the words "and that no citizen shall be exiled;"

Which was rejected.

The 34th section was adopted.

The 35th section was read.

Mr. Bingham of Limestone, moved the following as an amendment, to be added to the section:

Nor shall there be any peonage or contract labor in this State, for a longer period than one year, and all contracts for coolie labor, or persons brought over the high seas, for any period longer than one year, shall be null and void.

Mr. Dustan moved to lay it on the table.

On agreeing to the motion, the yeas and nays were called and ordered, and resulted:

YEAS—Messrs. President, Adams, Alexander of Autauga, Alexander of Greene, Austin, Autrey, Bingham of Talladega, Black, Blackford, Buckley of Lowndes, Burdick, Burton, Cabot, Collins, Davis, Diggs, Dustan, Ewing, Graves, Greene, Hurst, Latham, McGown, Martin, Masterson, Miller, Moore, Morton, Peters, Plowman, Semple, Smith, Speed, Stow, Towles, Walker of Jefferson—36.

NAYS—Messrs. Applegate, Bingham of Limestone, Blandon, Brainard, Brunson, Buck, Coon, Ely, Finley, Gardner, Garrison, Gregory, Griffin, Hatcher, Haughey, Inge, Johnson of Russell, Johnson of Henry, Jones of Madison, Keffer, Kennemere, Lee, Lore, McLeod, Norris, Rapier, Royal, Russell of Barbour, Silsby, Springfield, Steed, Strother—30.

The section was then adopted.

Section 35 was adopted.

Section 36 was adopted.

Mr. Bingham of Limestone, offered an amendment to come in as a new section, before the last section, as follows:

This State has no right to secede or withdraw from the Government of the United States, or to pass any law in derogation of the Constitution and laws thereof.

Mr. Peters moved to strike out of the section all after the words "United States."

Mr. Blackford moved to lay the amendment on the table.

Mr. Bingham called for the yeas and nays.

The yeas and nays were ordered, and on being taken, resulted:

YAES—Messrs. President, Adams, Alexander of Autauga, Austin, Autrey, Black, Blackford, Buckley of Montgomery, Burdick, Burton, Cabot, Collins, Davis, Dustan, Ely, Ewing, Graves, Greene, Griffin, Hurst, Keffer, Latham, McGown, Mahan, Martin, Masterson, Miller, Moore, Morton, Norris, Peters, Plowman, Saffold, Semple, Smith, Speed, Stow—37.

NAYS—Messrs. Alexander of Greene, Applegate, Bingham of Limestone, Bingham of Talladega, Blandon, Brainard, Buck, Buckley of Lowndes, Coon, Diggs, Finley, Gardner, Gregory, Hatcher, Haughey, Inge, Johnson of Henry, Johnson of Russell, Jones of Madison, Kennemere, Lee, Lore, McLeod, Rapier, Royal, Russell of Barbour, Silsby, Skinner, Springfield, Steed, Strange, Strother, Towles, Walker of Jefferson, Walker of Shelby, Whitney, Yordy—40.

So the motion to lay on the table was not agreed to.

Mr. Hurst explained that he concurred in the sentiment of the resolution, but that he believed it an unnecessary interpolation. He therefore voted aye.

Mr. Norris voted aye because the matter was already provided for.

Mr. Peters voted aye because he thought it a question the Convention could not settle.

The motion to strike out was then agreed to.

Mr. Graves moved to amend by inserting the word "Constitutional" before the word "right."

Mr. Bingham accepted the amendment.

Mr. Whitney moved to strike out the word "Constitutional."

Not agreed to.

Mr. Peters moved that the whole subject be indefinitely postponed;

Which was agreed to.

Section 37 was adopted.

Article II was then taken up.

The 1st section was adopted.

The 2d section was taken up.

Mr. Dustan offered an amendment, to come at the end of the section.

Mr. Griffin moved to lay the amendment on the table.

Agreed to.

The 2nd section was then adopted.

Article III was taken up.

The 1st and 2d sections were adopted.

Article IV was taken up.

The 1st and 2d sections were adopted.

The 3d section was taken up.

Mr. Graves moved to amend by striking out "Tuesday after the first Monday in November," and insert "Monday in October."

Mr. Norris moved to lay the amendment on the table.

Agreed to.

Mr. Griffin called the previous question on the adoption of the section.

The call was sustained, and the main question was ordered, and the section was adopted.

Mr. Semple moved to reconsider the vote by which the Convention had rejected the proposition to insert first "Monday in August."

Mr. Gregory moved to lay the motion to reconsider on the table.

Mr. Semple called for the yeas and nays, which were ordered and stood, 36 to 36.

So the motion to lay on the table was not agreed to.

Mr. Griffin moved to indefinitely postpone the motion to reconsider.

On agreeing to the motion, the yeas and nays were called and ordered, and on being taken, stood, 49 to 25.

So the motion to postpone indefinitely was agreed to.

Sections 3 and 4 were adopted.

Section 5 was taken up.

Mr. Coon moved to strike out the words "two years" and insert "one year";

Agreed to.

Mr. Gregory moved to strike out "twenty-seven" and insert "twenty-five";

Laid on the table.

Sections 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 were successively adopted.

Section 16 was taken up.

Mr. Skinner moved to strike out "two-thirds" and insert "a majority."

Mr. Gregory moved to lay the amendment on the table.

On agreeing to the motion the yeas and nays were called and stood, 23 to 39.

So the motion to lay on the table was not agreed to.

Mr. Saffold moved to amend by inserting "a majority of the whole number of members";

Which was agreed to.

The section as amended was adopted.

Sections 17, 18 and 19 were adopted.

Section 20 was taken up.

Mr. Morgan moved to strike out the words, "General Assembly" at the end of the section, and insert the words "any office of profit or trust under this State."

Mr. Griffin moved to lay the amendment on the table.

Not agreed to.

On agreeing to the amendment, the yeas and nays were called and ordered, and being taken, stood, 23 to 37.

So the amendment was adopted.

Mr. Dustan offered a resolution as follows:

Whereas, The calling of the yeas and nays in this House, is a loss of time, and an expense to the State of over fifty dollars on each call;

Resolved, That hereafter, the member moving, and the member seconding, the demand for the yeas and nays, shall have their names entered on the Journal in connection therewith.

Mr. Peters moved to lay the resolution on the table.

On agreeing to the motion a division was called and stood, ayes 38, nays 18.

The motion was therefore agreed to.

Sections 24, 25, 26, 27, 28, 29, 30, 31 and 32 were adopted.

The 33d section was taken up.

Mr. Peters moved to strike out the section.

Mr. Griffin moved to lay the motion to strike out on the table; which was agreed to.

Mr. Haughey offered an amendment to the section, as follows:

That the limitation thus imposed shall not apply to any aid the State may give to the North and South Railroad, extending from Montgomery to Decatur.

Laid on the table.

Mr. Gregory moved as a substitute for the section, the following:

That the General Assembly shall pass such laws as they may deem necessary for the establishment of a Colored Orphan Asylum in this State.

Which was rejected.

The 33d section was then adopted.

Sections 34, 35, 36 and 37 were adopted.

Mr. Morgan moved to add a new section, as follows:

The General Assembly shall have no power to grant bills of divorce.

Mr. Peters moved to lay the proposed section on the table;

Which was agreed to.

Article V was taken up.

The 1st section was adopted.

The 2d section was taken up.

Mr. Blackford moved to strike out "two" and insert "four."

Mr. Smith moved to lay the amendment on the table;

Which was agreed to.

Sections 3, 4, 5 and 6 were adopted.

Mr. Blackford moved that the Constitution be printed as part of the proceedings, and furnished to the members to-morrow morning.

Agreed to.

Mr. Peters moved that when the Convention adjourn, it adjourn until 9 o'clock to-morrow morning.

Agreed to.

Mr. Semple moved to adjourn.

Not agreed to.

Yeas 30, nays 31.

Mr. Semple moved that the Constitution be laid on the table and made the special order for to-morrow at noon.

Not agreed to.

Section 7 was taken up.

Mr. Peters moved to adjourn.

The motion was agreed to, and the Convention adjourned until 9 o'clock to-morrow morning.

TWENTY-SEVENTH DAY.

THURSDAY, December 5, 1867—9 a. m.

The Convention met pursuant to adjournment.

Mr. President in the chair.

Prayer was offered by the Rev. Mr. Buckley of Montgomery.

The roll was then called, and a quorum being present, the Convention proceeded to business.

The journal of the previous session was read and approved.

Mr. Smith moved that leave of absence be granted to Mr. Dustan of Marengo, on account of sickness in his family.

Agreed to.

Mr. Miller moved that the call of the Convention by districts, be suspended.

Agreed to.

Mr. Peters, from the committee on Printing, made a statement that he had received a proposition with regard to the printing of the Constitution and Journal of the Convention, as follows:

MONTGOMERY, ALABAMA,
December 4th, 1867.

Gentlemen of the Committee on Printing:

I have carefully estimated the cost of printing fifteen thousand copies of the Constitution of Alabama, adopted by your Convention, in pamphlet form in neat style, and on good paper, and I propose to do the work for the sum of $1067 40.

I have also carefully calculated the cost of printing the full proceedings, ordinances, etc., of the Convention in pamphlet form, in neat style and on good paper, calculating they will make two hundred and fifty pages octavo, for the sum of $1,335 05. Total cost of both $2,402 45.

Should you give it me, I can have both the Constitution and ordinances ready for delivery in twelve days. The Constitution can be delivered in three days after the copy is furnished.

Respectfully, JOHN HARDY.

Mr. Griffin moved that the report be laid on the table until afternoon.

Agreed to.

Mr. Saffold, from the special committee on fixing the time for the election for the ratification of the Constitution and the election of State officers, reported "An Ordinance concerning the Election for Ratification of the Constitution, and for State and County Officers and Members of Congress."

Mr. Peters moved that the ordinance be read a second time.

Agreed to.

Mr. Griffin moved that the ordinance be read a third time, section by section.

The first section was adopted.

The second section was adopted.

The third section was adopted.

Mr. Griffin offered an amendment to the fourth section, as follows:

Provided, That no person shall be prohibited from voting for officers, who is not disfranchised by the Constitution framed by this Convention.

Mr. Skinner, on leave from the committe appointed to divide the State into Judicial and Chancery Districts, made a report as follows:

The committee have had under consideration the subject which was referred to them, to consider the propriety of re-districting the Judicial Districts of the State, and recommend that said Districts remain as they are, and refer the subject of re-districting to the General Assembly of the State of Alabama, and ask to be discharged from the further consideration of the subject.

[Signed] WM. SKINNER,
Chairman.

The report was laid on the table and ordered to be printed.

Mr. Bingham of Limestone, moved to lay the amendment proposed by Mr. Griffin on the table.

Agreed to.

Section four was adopted.

Section five was adopted.

Section six was adopted.

Mr. Skinner moved to reconsider the vote by which the amendment offered by Mr. Griffin, was laid on the table.

The motion to reconsider was agreed to.

On agreeing to the adoption of the amendment, the yeas and nays were called and ordered, and on being taken resulted—yeas 33, nays 43; as follows:

YEAS—Messrs. Adams, Alexander of Autauga, Applegate, Austin, Bingham of Talladega, Blackford, Cabot, Collins, Davis, Graves, Greene, Gregory, Griffin, Hayes, Hurst, Jones of Conecuh, Keffer, Lore, Martin, Masterson, Miller, Morgan, Morton, Norris, Plowman, Rapier, Rolfe, Saffold, Semple, Skinner, Stow, Strange, Walker of Jefferson—33.

NAYS—Messrs. President, Alexander of Greene, Autrey, Bingham of Limestone, Black, Blandon, Brainard, Buck, Buckley of Lowndes, Buckley of Montgomery, Burton, Coon, Diggs, Dykes, Ely, Ewing, Finley, Gardner, Garrison, Hatcher, Haughey, Inge, Johnson of Russell, Jones of Madison, Kennemere, Latham, Lee, McGown, Mahan, McLeod, Moore, Peters, Robinson, Royal, Russell of Barbour, Silsby, Simmons, Smith, Springfield, Steed, Steed, Strother, Walker of Shelby, Whitney, Wilhite—43.

So the amendment was not agreed to.

Mr. Silsby said he would like to vote for the proposition, but as he understood the Reconstruction law he would have to vote nay.

Mr. Buckley of Montgomery, called the previous question, on the adoption of the ordinance.

The call for the previous question was sustained, and the main question was ordered.

On the final passage of the ordinance the yeas and nays were called and ordered, and resulted—yeas 66, nays 12.

Mr. Peters moved to take up the report of the special committee on the subject of relief.

Not agreed to.

Mr. Peck, (Mr. Miller in the chair,) moved to proceed with the further consideration of the Constitution.

The Constitution was taken up.

The consideration of Article V was resumed.

Sections seven, eight, nine and ten, were successively adopted.

The eleventh section was taken up.

Mr. Semple moved to amend by striking out the words "such pardons shall not relieve from civil or political disability."

Mr. Griffin moved to lay the amendment on the table.

Agreed to.

The section was adopted.

Sections twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty, were adopted.

Article VI, the Judicial Department, was taken up.

Sections one, two, three and four, were successively adopted.

The fifth section was then taken up.

Mr. Peters offered the following as a proviso to be inserted at the end of the section:

Provided, however, That the Circuit Court shall have equity jurisdiction concurrent with the Courts of Chancery in all cases for divorce, and cases in which the value of matter in controversy does not exceed the sum of five thousand dollars."

The amendment was adopted, and the section as amended, was adopted.

The sixteenth section was taken up.

Mr. Peters moved to strike out the following, that it might be inserted in the next section:

"The General Assembly shall have power to establish a Court or Courts of Chancery with original and appellate jurisdiction: *Provided*, The amendment was adopted, and the section as amended was adopted.

The seventh section was read.

Mr. Peters moved that the words struck out of the sixth section be added to the seventh section at the beginning.

The amendment was adopted.

The section as amended, was adopted.

Section eight was taken up.

Mr. Morgan moved to strike out the word "county" and insert "district."

Mr. Moore moved to lay the motion on the table.

Agreed to.

Mr. Griffin moved to reconsider the vote by which the amendment was tabled.

Not agreed to.

Sections nine, ten, eleven and twelve, were adopted.

Section thirteen was taken up.

Mr. Strange moved to insert one hundred instead of fifty.

Mr. McGown moved to lay the motion on the table.

Agreed to.

The section was adopted.

Sections fourteen, fifteen and sixteen, were adopted.

The seventeenth section was read.

Mr. Hurst moved to strike out "four" and insert "six."

On a motion to table, a division was called. The yeas were 28, and the nays 30.

Mr. Applegate moved to strike out "four" and insert "two."

Mr. Smith moved to lay the subject on the table.

Agreed to.

The section was then adopted.

Section eighteen was adopted.

Section nineteen was adopted.

Mr. Peters moved to add a new section to the article, to be known as section 20, as follows:

"The General Assembly shall have power to suspend the

Courts of this State, anything in this Constitution to the cantrary notwithstanding."

On agreeing to the amendment, the yeas and nays were called and ordered, and on being taken, resulted—yeas 26, nays 40, as follows:

YEAS—Messrs. Austin, Autrey, Bingham of Limestone, Black, Blackford, Buckley of Lowndes, Diggs, Hayes, Lore, Martin, Masterson, Miller, Morton, Peters, Russell of Barbour, Saffold, Skinner, Springfield, Steed, Strother, Walker of Jefferson, Walker of Shelby, Whitney, Wilhite, Yordy—26.

NAYS—Messrs. Adams, Alexander of Autauga, Applegate, Bingham of T., Blandon, Buck, Buckley of Montgomery, Burdick, Burton, Cabot, Davis, Ely, Ewing, Gardner, Graves, Gregory, Hatcher, Haughey, Hurst, Johnson of Russell, Jones of Conecuh, Jones of Madison, Keffer, Lee, McGown, Mahan, McLeod, Moore, Morgan, Norris, Plowman, Rapier, Rolfe, Royal, Semple, Smith, Speed—40.

Article VII (Elections) was then taken up.

The first section was adopted.

The second section was adopted.

The third section was read.

Mr. Saffold moved to amend by striking out the words, "the General Assembly shall have power to remove the disabilities incurred under this clause," and to insert in its place "that the General Assembly shall have power to remove the liabilities imposed by this section."

Mr. Griffin moved to insert "clauses two and three," before the word section.

Mr. Saffold accepted the amendment.

Mr. Buck moved to amend by inserting "by a vote of two-thirds of both Houses."

Mr. Gregory moved to lay the amendment on the table.

Not agreed to.

Mr. Smith moved to strike out "two-thirds" and insert "a majority of all the members of the House."

The amendment was agreed to.

Mr. Semple moved to strike out from "soldier" to "United States," inclusive, and insert the word "person."

Mr. Springfield moved to lay the amendment on the table.

Agreed to.

Mr. Smith moved to insert the word "voluntarily" before the word "indicted."

Mr. Springfield moved to lay the amendment on the table.

Mr. Smith called for the yeas and nays, which were ordered.

On agreeing to the motion, the yeas were 24 and the nays 49, as follows:

YEAS—Messrs. Adams, Autrey, Bingham of Talladega, Buckley of Montgomery, Coon, Diggs, Ely, Finley, Gardner, Garrison, Gregory, Hatcher, Haughey, Jones of Madison, Keffer, Kennemere, Lee, Lore, McGown, Rapier, Royal, Simmons, Springfield, Strother, Walker of Shelby, Wilhite—24.

NAYS—Messrs. Alexander of Autauga, Alexander of Greene, Applegate, Austin, Bingham of Limestone, Black, Blackford, Blandon, Buck, Buckley of Lowndes, Burdick, Burton, Cabot, Collins, Davis, Ewing, Graves, Greene, Griffin, Hayes, Hurst, Inge, Johnson of Russell, Jones of Conecuh, Latham, Mahan, McLeod, Martin, Masterson, Meadors, Miller, Moore, Morgan, Morton, Norris, Peters, Plowman, Rolfe, Russell of Barbour, Saffold, Semple, Silsby, Smith, Speed, Steed, Stow, Strange, Yordy—49.

So the motion to lay on the table was not agreed to.

On the adoption of the amendment offered by Mr. Smith, the yeas and nays were called and ordered, and, on being taken, resulted—yeas 66, nays 38.

So the amendment was lost.

Mr. Garrison called the previous question, on the adoption of the section.

The call for the previous question was sustained, the main question was ordered, and the section was adopted.

The fourth section was taken up.

Mr. Burton offered a substitute for the section.

Mr. Keffer called the previous question, on the adoption of the section.

The call was sustained, the main question was ordered, and the section was adopted.

Section five was adopted.

Mr. Gardner offered the following as a new section, to be called section six:

It shall be the duty of the General Assembly to enact adequate laws, giving protection against the evils arising from the use of intoxicating liquors at elections.

Mr. Mahan moved to lay it on the table;

Which was rejected.

The section was then adopted.

Article VIII was taken up.

The first six sections were adopted.

Mr. Applegate moved that leave of absence be granted to Mr. Simmons of Colbert, for the remainder of the session.

Agreed to.

Mr. Strange asked leave of absence for Mr. Towles of Chambers.

Granted.

Article IX was taken up.

Mr. McLeod moved to amend the first section by striking out one dollar and fifty cents, and inserting three dollars.

Mr. Strange moved to lay the amendment on the table.

Not agreed to.

Mr. Keffer moved to strike out "one," and insert "two."

Mr. Smith called the previous question.

The call was sustained, the main question ordered, and the section was adopted.

The second section was adopted.

The hour of half past one having arrived, the Convention adjourned until 3½ o'clock.

AFTERNOON SESSION.

The Convention met at half past three o'clock.

The presiding officer (Mr. Miller in the chair,) announced as the first business in order, the consideration of the ordinance to provide for the removal of political disabilities from certain persons.

Mr. Miller moved to lay the ordinance on the table;

Which was agreed to.

Mr. Saffold introduced an ordinance concerning Appeal and other Bonds, and Damages in Appeals.

The Convention resumed the consideration of the Constitution.

Article X was taken up.

The first five sections were adopted.

The sixth section was read.

Mr. Gardner moved to strike out "twenty-one," and insert "twenty."

Mr. Smith moved that the motion be laid on the table.

Agreed to.

Mr. Semple offered an amendment as an addition, as follows:

And proper provision shall be made for the education of the children of white and colored persons in separate schools.

Mr. Griffin called the previous question on the adoption of the section.

The call was not sustained.

Mr. Gregory moved to lay the subject on the table.

Mr. Hurst called for the yeas and nays;

Which were taken, and resulted—yeas 47, nays 26.

So the motion was agreed to.

Mr. Bingham of Limestone, offered another amendment, as follows:

Provided, Such schools shall be kept at least three months in the year, and shall be taught in the English language.

Mr. Carraway offered an amendment, as follows:

Should it prove expedient to have separate schools for white and colored children, the Board of Education shall cause an equal division of the school fund in such district where such division is demanded.

Mr. Keffer moved the previous question.

The call was sustained.

The main question was ordered and the section adopted.

Mr. Skinner moved that the remainder of the Constitution be read by the captions of the Articles, and not section by section;

Which was agreed to.

Mr. Norris moved to strike out the word "faculties."

Mr. Silsby moved to lay it on the table;

Which was agreed to.

Article XII (Industrial Resources,) was taken up.

Mr. Silsby moved to strike out the words, "elected at the last General Election," out of the first section, and insert "appointed by the Governor, and confirmed by the Senate."

Mr. Blackford moved to lay the amendment on the table;

Which was agreed to.

Mr. Burton moved to amend, by inserting after the word, "commissioner," "who shall have the same qualification as State Senator."

Mr. Griffin moved to lay on the table.

Mr. Burton called for the yeas and nays.

Which were ordered, and on being taken, resulted—yeas 43, nays 19.

Mr. Garrison moved the previous question in the adoption of the article.

The call was sustained. The main question was ordered, and the article was adopted.

Article XIII (Corporations,) was adopted.

Article XIV (Exempted Property,) was read.

Mr. Skinner moved to strike out of section five, the words "during the time of her widowhood";

Which was adopted.

Mr. Moore offered the following as an amendment:

The personal property and real estate exempt as above, shall be estimated at the specie value.

Mr. Masterson moved to lay the amendment on the table;

Which was agreed to.

Mr. Ewing moved to strike out the entire article.

Mr. Buck called the previous question, on the adoption of the article.

The call was sustained. The main question was ordered, and the article was adopted.

Article XV (Oath of Office,) was taken up.

Mr. Ely moved to amend, by inserting after the word "judicial," in the first section, the words, "and officers of the militia."

Mr. Morgan called the previous question.

The call was sustained. The main question was ordered, and the article was adopted.

Article XVI (Amendments to the Constitution,) was adopted.

Mr. Keffer, on leave, offered the following as a new section to the Declaration of Rights, to be numbered 37:

§ 37. That this State has no right to sever its relations with the Federal Union, or to pass any law in derogation of the paramount allegiance of the citizens of this State to the Government of the United States;

Which was adopted.

Mr. Griffin called the previous question, on passing the Constitution to a third reading;

Which was agreed to.

The Constitution was then read a third time by its title.

On the final adoption of the Constitution, the yeas and nays were called, and ordered.

And on being taken, resulted—yeas 67, nays 9, as follows:

Yeas—Messrs. President, Adams, Alexander of Greene, Applegate, Austin, Autrey, Bingham of Limestone, Bingham of Talladega, Blackford, Blandon, Brainard, Buck, Buckley of Lowndes, Buckley of Montgomery, Burdick, Burton, Carraway, Collins, Coon, Davis, Diggs, Dykes, Ely, Finley, Gardner, Garrison, Green, Gregory, Griffin, Hatcher, Haughey, Hayes, Inge, Johnson of Russell, Jones of Conecuh, Jones of Madison, Keffer, Kennemere, Lee, Lore, McGown, Mahan, McLeod, Martin, Masterson, Miller, Moore, Morgan, Morton, Norris, Peters, Rapier, Royal, Russell of Barbour, Saffold, Silsby, Skinner, Smith, Springfield, Steed, Stow, Strange, Walker of Jefferson, Walker of Shelby, Whitney, Yordy—66.

Nays—Messrs. Alexander of Autauga, Cabot, Ewing, Graves, Latham, Meadors, Semple, Speed—8.

So the Constitution was adopted as a whole.

Mr. Keffer moved to reconsider the vote just taken, and to lay that motion upon the table;

Which was agreed to.

Mr. Semple of Montgomery, asked leave to present the protest of himself and certain other members of the Convention, against the Constitution adopted by the Convention, and to have the protest entered upon the journal.

Leave was granted.

The President, (Mr. Miller in the chair,) moved that the protest be received, and that the names of those who appear upon it, but who were not present to vote upon the adoption of the Constitution, be erased from the list.

The protest is as follows:

The undersigned beg leave to have this, their protest against the Constitution adopted by the Convention, entered on the journal of the Convention.

They protest against it, because, in their opinion, a government framed upon its provisions, will entail upon the people of the State, greater evils than any which threaten them.

[Signed,]
J. C. Meadors,
J. H. Speed,
H. C. Semple,
C. M. Cabot,
G. W. Graves,
J. L. Alexander,
W. T. Ewing,
S. L. Latham.

Mr. Stow explained, that he voted "aye" to the Constitution as a whole; *Provided*, The privilege was granted him of entering his protest to certain parts thereof, and asked leave until to-morrow to prepare it;

Which was granted.

Adopted.

Mr. Hurst was granted leave until to-morrow to prepare his protest, and to record his vote.

Mr. Wilhite was also granted leave on a similar request.

Mr. Bingham of Limestone, moved that the Constitution be enrolled on parchment, and that every member who voted for it, sign it, and that the Clerk be instructed, with the consent of those who are absent, and are known to be in favor of it, to put their names to it also.

Mr. Griffin moved that it be signed by the President and Secretary of the Convention.

Mr. Applegate moved to lay the amendment on the table;

Which was agreed to.

The resolution of Mr. Bingham was then adopted.

Mr. Smith, from the Committee on Enrolled Ordinances, reported sundry ordinances as correctly enrolled.

Mr. Griffin, from the Committee on the Removal of Disabilities, presented the report of the committee.

Mr. Coon moved that the report be made the special order for to-morrow, at 11 o'clock.

Mr. Morgan moved to adjourn;

Which was agreed to.

And the Convention adjourned until 9 a. m., to-morrow.

TWENTY-EIGHTH DAY.

Friday, December 6, 1867—9 a. m.

The Convention met pursuant to adjournment, Mr. President in the chair.

Prayer was offered by the Rev. Mr. Silsby of Dallas.

The roll of members was called, and a quorum being announced as present, the Convention proceeded to business.

The journal of the session of the preceding day was read and approved.

Mr. Skinner introduced an ordinance authorizing the amendment or repeal of the ordinances adopted by this Convention, and moved that the rules be suspended, and that the Convention proceed to its consideration and passage.

Mr. Bingham of Limestone, moved to lay it on the table;

Which was not agreed to.

Mr. Haughey moved so to amend the ordinance as to require a two-thirds vote of the General Assembly.

The amendment was adopted.

The ordinance as amended, was passed.

Mr. Skinner also introduced an ordinance to pay the expenses of receiving the returns of the election for State officers, &c., ordered to be held by this Convention.

On motion, the rules were suspended, the ordinance was read three times and passed.

Mr. Wilhite, who had asked leave until to-day to record his vote on the adoption of the Constitution, voted in the affirmative.

Mr. Hurst, to whom similar leave had been granted, voted in the negative, and was granted permission to affix his name to the protest presented yesterday.

Mr. Stow submitted his protest to the Constitution, and it was ordered spread upon the journals, to-wit:

By leave of the Convention, I enter this, my protest against the Constitution adopted by the Convention.

1st. I protest against all those features in the Constitution which extend the system of disfranchisement and proscription beyond the requirements of the Military Bills and Constitutional Amendment.

2d. I protest against the refusal of the Convention to provide expressly in the Constitution, for separate schools for the children of the two races, when necessary.

3d. I protest against the oath required of electors, binding each man to persevere in a particular course of conduct, though his opinions on the subject may have changed.

[Signed,] J. P. Stow.

Mr. Saffold offered the following resolution:

Resolved, That the Auditing Committee of the Convention be instructed to audit the accounts of the clerks of the committees of the Convention, according to the rates allowed the engrossing clerk of the Convention;

Which was passed.

Mr. Saffold called up the ordinance fixing the amount of bonds and damages in appeal cases.

The ordinance was read a third time and passed.

Mr. Miller presented the following resolution:

Resolved, That the Secretary of this Convention be instructed to furnish the Alabama State Sentinel, the Nationalist, the Elmore Standard, the East Alabama Monitor, the Alabama Republican, the Tallapoosian, the Reconstructionist, the Huntsville Advocate, the Moulton Union, and the Livingston Messenger, newspapers printed in this State, a copy of the Constitution, for publication in four successive numbers, of the weekly issue of each, at a cost not exceeding five hundred dollars.

Mr. Griffin moved to strike out five hundred dollars," and insert "seventy-five dollars" each.

Mr. Smith moved to lay the amendment on the table;

Which was agreed to.

Mr. Miller moved the previous question, and the vote was put on ordering the main question.

On the passage of the resolution, division was called. The ayes were 38, and the nays were —.

So the resolution was adopted.

Mr. Keffer offered the following resolution:

Resolved, That the Committee on Printing be authorized and instructed to cause to be printed by the lowest bidders, fifteen thousand copies of the Constitution adopted by this Convention, and one thousand copies of the proceedings of the Convention, including the ordinances passed: *Provided*, That the cost of the same shall not exceed the prices named in the proposition presented by Mr. John Hardy, on December 4th, 1867.

Resolved, That the Secretary of the Convention be paid the sum of two hundred and fifty dollars, for the preparation of the proceedings for the printer, and for superintending and proof-reading of the same.

Mr. Peters moved to strike out "fifteen thousand," and insert "seven thousand."

Mr. Keffer accepted the amendment.

The resolution, as amended, was adopted.

Mr. Carraway offered the following:

WHEREAS, The Constitution, as it is amended, is founded upon the principles of justice, honesty, and civilization, and

WHEREAS, The enemies of law, order, freedom, and justice, have pledged themselves to prevent its adoption, and

WHEREAS, The history of the past affords us abundant proof, that God strengthens and assists those who endeavor to do right, therefore

Resolved, That this Convention set apart a day, whereby the good and loyal people of Alabama can, collectively, offer up their adorations to Almighty God, and invoke his aid and assistance to the loyal people of the State, while passing through the bitter strife that seems to await them.

The resolution was adopted.

The members of the Convention, who voted affirmatively at the suggestion of the President, then affixed their signatures to the enrolled Constitution.

Mr. Griffin called up the ordinance for the relief of insolvent debtors.

The ordinance was taken up, and read a third time and passed.

Mr. Bingham of Limestone, called up the ordinance declaring the war debt of Alabama null and void.

The ordinance was taken up.

Mr. Morgan moved to lay the whole subject on the table.

Mr. Bingham called for the yeas and nays.

The yeas and nays were ordered, and on being taken, resulted—yeas 19, nays 41.

So the motion to lay on the table was not agreed to.

The ordinance was then passed.

Mr. Peters called up the ordinance reported by the special committee of relief.

Mr. Moore moved to lay the ordinance on the table ;

Which was not agreed to.

Mr. Semple moved an amendment, as follows :

Provided, That settlements and compromises of such transactions, made by the parties thereto, shall be respected.

The amendment was agreed to.

Mr. Morgan moved to strike out the first section of the ordinance.

Mr. Strange called the previous question.

The main question was ordered.

On the passage of the ordinance, the yeas and nays were called for, and resulted—yeas 51, nays 9.

Mr. Peters called up the ordinance to declare void certain judgments, and to grant new trials in certain cases therein mentioned.

The ordinance was taken up and passed.

Mr. Bingham of Limestone, called up the ordinance to allow widows, orphans, and others, to review the validity of sales in settlement of estates made by trustees, guardians, &c.

The ordinance was passed.

Mr. Ely moved that the Convention take from the table the Memorial to Congress offered by him on the 25th of November.

Mr. Griffin moved to indefinitely postpone ;

Which was not agreed to.

The Memorial was then taken up.

MEMORIAL TO THE CONGRESS OF THE UNITED STATES.

This Memorial of the Delegates now assembled in Convention in and for the State of Alabama, shows unto your honorably bodies that,

WHEREAS, The present acts of Congress for the reconstruction of the rebel States, require that a majority of the registered voters in each of said States, should be cast to secure the adoption or rejection of their respective Constitutions, and

WHEREAS, The more usual and simple manner of determining the question of the adoption or rejection of State Constitutions is by submitting them to the popular vote, leaving the settlement of the question pro or con, to the majority of those voting, and not to the majority of the voters registered, and

WHEREAS, It is the declared and well known wish and purpose of the opponents of reconstruction and of those unfriendly to the Government, to defeat said Constitution, and in as much as said provision in said acts, give them an easy and decided advantage over those in favor of the adoption of said Constitutions, and greatly increases the embarrassment of the friends of the Government, and endangers the ratification of said Constitutions, therefore,

Be it resolved, That Congress be requested to so alter and amend the present law as to require only a majority of the registered voters voting on the question to determine for or against the adoption of the said Constitutions.

Resolved, That the President of the Convention forward immediately, copies of this Memorial to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, with the request that the same be laid before their respective bodies.

On agreeing to the Memorial, the yeas and nays were called and ordered, and on being taken resulted, 50 to 6.

So the memorial was adopted.

Mr. Saffold called up the proposed article to be submitted to the people for adoption as a part of the Constitution.

Mr. Skinner moved to table the whole subject.

On agreeing to the motion, the yeas and nays were called and ordered, and on being taken, resulted, 54 to 19.

The President (Mr. Miller in the chair) called up the memorial laid before the Convention by him, on the subject of land grants to railroads.

Mr. Griffin moved to postpone indefinitely.

Not agreed to.

Subsequently the subject was tabled; ayes 51, noes 30.

Mr. Keffer called up the ordinance to protect electors;

Which was passed.

Mr. Griffin called up the report of the committee on Disabilities.

Mr. Bingham moved that it be laid on the table and printed.

Mr. Griffin moved the previous question in the adoption of the report.

The report was adopted.

Mr. Ely presented the following:

Resolved, That the Secretary procure the printing, in proper form, of the "Memorial to the Congress of the United

States," on the subject of changing the reconstruction laws in regard to voting, and furnish the same to the President of this Convention.

The resolution was adopted.

Mr. Blackford moved to take from the table the ordinance to suspend courts of the State.

Mr. Griffin moved to lay the ordinance on the table.

On agreeing to the motion, the yeas and nays were called and ordered, and on being taken, resulted, 29 to 26.

So the ordinance was tabled.

Mr. Ely offered the following:

Resolved, That this Convention tender its cordial and sincere thanks to the Hon. E. W. Peck, the President of this Convention, for the able, impartial and courteous manner in which he has presided over the deliberations of this body.

The resolution was adopted.

Mr. Gregory moved to take from the table the ordinance relating to the navigable waters of the State.

Not agreed to.

Mr. Smith moved to reconsider the vote by which the report of the committee on disabilities had been adopted.

Mr. Griffin moved to lay the motion on the table.

Not agreed to.

Mr. Peters introduced "An Ordinance for the relief of Joseph H. Davis."

The ordinance was read three times and passed.

Mr. Norris offered the following:

Resolved, That the thanks of this Convention be tendered to the Secretary, his able corps of assistants, the Sergeant-at-arms, the Messengers and Pages, for the faithful, prompt and agreeable manner in which they have discharged their respective duties.

The resolution was adopted.

Mr. Coon moved to reconsider the vote by which the ordinance on elections was passed, for the purpose of amendment.

Agreed to.

Mr. Coon then moved to strike out the "State is admitted into the Union," and insert "elected and qualified in compliance with the provisions of the Constitution, herewith submitted."

The amendment was adopted;

And the ordinance, as amended, was passed.

Mr. Applegate offered the following:

Resolved, That it be the duty of the Secretary of the Convention, so soon as the printing has been done, to transmit to the members thereof, at their respective post-offices, four copies of the Journal of the proceedings and ordinances passed, and ten copies of the Constitution, and transmit such printed matter to such other parties as may be directed by the Convention; and that the sum of $150 be appropriated for this performance of his duty, to include the expenses of transmission.

Mr. Peters moved to strike out the provision appropriating money, and insert "at the expense of each individual member."

The amendment was adopted;

The resolution, as amended, was adopted.

On motion of Mr. Smith, Mr. Keffer and Mr. Buckley of Montgomery, were appointed on the committee on Enrolled Ordinances.

Mr. Griffin moved that the Convention adjourn, subject to the resolution adopted in relation to the subject of adjournment.

The President then pronounced the Convention adjourned, subject to its being re-assembled at the call of the President, or of the military commander, within one year of this date.

The Convention then adjourned accordingly.

E. W. PECK, President.

Robert Barber, Secretary.

ORDINANCES.

No. 1.] AN ORDINANCE

To abolish the new county of Jones, formed and established by the last General Assembly of the State.

Be it ordained by the people of the State of Alabama in Convention assembled, That the new county called the county of Jones, formed out of a portion of the counties of Marion and Lafayette, created by act of the last General Assembly of this State, and purporting to have been approved on the 4th day of February, 1867, be, and the same is hereby abolished, and that the territory and jurisdiction of said new county be restored to the said counties of Marion and Lafayette, just as they were on the 10th day of January, 1861. Said act is numbered 298 of the acts of said General Assembly, as printed among the pamphlet acts thereof.

Passed, November 13, 1867.

No. 2.] AN ORDINANCE

In relation to the pay and mileage of Delegates, and the pay of officers of the Convention, and for other purposes.

SECTION 1. *Be it ordained by the people of the State of Alabama in Convention assembled,* That the President of the Convention receive ten dollars per diem; delegates, each, eight dollars; Secretary, eight dollars; Assistant Secretaries, Enrolling Clerk and Engrossing Clerk, each, six dollars; Doorkeeper, four dollars; Sergeant-at-arms, eight dollars; Pages and Messengers, each, four dollars. The President and members to receive eight dollars each for every twenty miles traveled in going to and returning from the seat of government to the seat of justice in the counties of their residence, computing the distance according to act of the Legislature, 1859 and 1860, page 23.

SEC. 2. *Be it further ordained*, That the sum of forty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated for the pay of officers and members of the State Convention, now in session at Montgomery, and for all necessary expenses connected therewith, and the Comptroller of Public Accounts is hereby authorized to draw his warrant on the State Treasurer for the sums herein appropriated.

Passed, November 18, 1867.

No. 3.] AN ORDINANCE

To provide for the levy and collection of a tax on the property in this State, to pay the expenses of the Constitutional Convention of the State of Alabama, convened under the "Acts of Congress for the more efficient government of the Rebel States."

Be it ordained by the people of the State of Alabama in Convention assembled, That an additional tax of ten per cent. on the taxes otherwise assessed on the taxable property in the State of Alabama, shall be assessed and collected by the officers charged with that duty, in the same manner that other taxes are levied and collected, which shall be paid into the Treasury of the State for the purpose of paying the expenses of this Convention; the same to be assessed and collected during the tax year of 1868.

Passed, November 23, 1867.

No. 4.] AN ORDINANCE

In regard to paying the expenses of this Convention.

WHEREAS, An Ordinance has been passed by this Convention, levying a tax upon the property of the State for defraying the expenses of the Convention, as provided by the act of Congress of March 24th, 1867; and

WHEREAS, It being indispensably necessary that a portion of the expenses of this Convention should be paid immediately, and before the said tax is collected; therefore,

Be it ordained by the people of the State of Alabama in Convention assembled, That the State Treasurer be, and he is hereby authorized and required to pay for the expenses of this Convention, an amount not exceeding fifteen thousand dollars, out of any money now in the Treasury not otherwise appropriated, the said payment to be made upon warrants of the Comptroller of Public Accounts, as provided by law.

Passed, November 26, 1867.

No. 5.] AN ORDINANCE

To abolish the new county of Colbert, formed and established by the last General Assembly of this State.

Be it ordained by the people of the State of Alabama in Convention assembled, That the county of Colbert, formed out of the county of Franklin, created by an act of the last General Assembly of this State, and purporting to have been approved on the 6th day of February, 1867, be, and the same is hereby abolished, and that the territory and jurisdiction of said new county be restored to the said county of Franklin, just as it was on the 10th day of January, 1861. Said act is numbered 321.

Passed, November 29, 1867.

No. 6.] AN ORDINANCE

For the relief of Manly Nelson.

Be it ordained by the people of the State of Alabama in Convention assembled, That the bonds of matrimony existing between Manly Nelson and his wife, Sarah Nelson, be, and the same are hereby dissolved, and that all prosecutions for bigamy which may have been commenced, are hereby dismissed.

Passed, November 29, 1867.

No. 7.] AN ORDINANCE

To encourage Immigration.

Whereas, The millions of acres of land subject to entry under the Homestead Law, and lying adjacent to the railroads and navigable rivers, together with the unsurpassed mineral wealth and water power of the State of Alabama, offer unparalleled inducements to immigrants from other States and from Europe ; and

Whereas, The future of this State will depend upon the number of immigrants who settle among us ; therefore,

Section 1. *Be it ordained by the people of the State of Alabama in Convention assembled,* That this Convention select a Board of Immigration, consisting of one Commissioner, whose duty it shall be to collect information as to the quality, character and location of the public lands in this State, the quality and price of land offered for sale by private parties in each of the counties in the State, the location and character of the mineral lands and water power, and all the information calculated to induce immigration to this State.

Sec. 2. That it shall be the duty of the General Assembly, at its first session, to provide for the dissemination of the information collected, the establishment of information agencies in the North and in Europe, and in general to encourage immigration by all means in its power.

Sec. 3. The Commissioner provided for in this ordinance shall be entitled to receive four dollars per day for his services.

Passed, November 29, 1867.

No. 8.] AN ORDINANCE

To divorce Joseph M. Howell from his wife, Susannah Howell.

Be it ordained by the people of the State of Alabama in Convention assembled, That the bonds of Matrimony now existing between Joseph M. Howell, of the county of Winston, and his wife, Susannah Howell, be, and the same are hereby dissolved.

Passed, November 29, 1867.

No. 9.] AN ORDINANCE

For the relief of William S. Baine.

Be it ordained by the people of the State of Alabama in Convention assembled, That William S. Baine be, and he is hereby divorced from his wife, Kate, any law to the contrary notwithstanding.

Passed, November 29, 1867.

No. 10.] AN ORDINANCE

To dissolve the bond of matrimony existing between Sarah Pate and Thomas F. Pate, of the county of Randolph.

Be it ordained by the people of the State of Alabama in Convention assembled, That Sarah Pate and Thomas F. Pate, of the county of Randolph, be, and they are hereby divorced from the bonds of matrimony.

Passed, November 29, 1867.

No. 11.] AN ORDINANCE

For the relief of Mrs. Mattie D. McIntyre.

Be it ordained by the people of the State of Alabama in Convention assembled, That all legal obligations growing out of the marriage of the said Mattie D. McIntyre, with A. C. McIntyre, both of the county of Montgomery, State of Alabama, be, and the same are hereby declared to be dissolved, and in future null and void, she having the control of all her rights and interests, as if no such marriage had ever been solemnized.

Passed, November 29, 1867.

No. 12.] AN ORDINANCE

Dissolving the rites of matrimony between Jehu Stokes and his wife, Sarah Stokes, of the county of Dale.

WHEREAS, It appears that the circumstances demand an extraordinary remedy for the relief of the said parties, and with the reservation that this ordinance shall not be held as a precedent for the guidance of any future authorized body, or of this Convention in like circumstances hereafter ;

Be it ordained by the people of the State of Alabama in Convention assembled, That the marriage relations now existing between Jehu Stokes and his wife, Sarah Stokes, of the county of Dale, be, and the same are hereby annulled, and in the future held for naught.

Passed, November 29, 1867.

No. 13.] AN ORDINANCE

To dissolve the bonds of matrimony existing between William H. Hunter and his wife, Effie A. Hunter, formerly McDonald.

Be it ordained by the people of the State of Alabama in Convention assembled, That the bonds of matrimony existing between William H. Hunter, and his wife, Effie A. Hunter, formerly McDonald, be, and are hereby dissolved and held for naught.

Passed, November 29, 1867.

No. 14.] AN ORDINANCE

Dissolving the rites of matrimony hitherto solemnized between Jas. McClelland and his wife, of the county of Hale.

WHEREAS, It appears that the circumstances demand an extraordinary remedy for the relief of said parties, and with the express reservation that this ordinance shall not be held as a precedent for the guidance of any future authorized body, or of this Convention, in like circumstances hereafter,

Be it ordained by the people of the State of Alabama in Convention assembled, That the marriage relation now existing between James McClelland and his wife, of the county of Hale, be, and the same is hereby annulled, and in future held for naught.

Passed, November 29, 1867.

No. 15.] AN ORDINANCE

For the confirmation of acts done by military authority in the State.

Be it ordained by the people of the State of Alabama in Convention assembled, That all the official acts of public officers in this State under United States military authority during the existence of the present Provisional Government, shall have the same force and validity as if the same had been done in due course of law.

Passed, November 29, 1867.

No. 16.] AN ORDINANCE

Declaring Secession null and void.

Be it ordained by the people of the State of Alabama in Convention assembled, That the ordinance passed by a Convention on the 11th day of January, 1861, entitled "An Ordinance to dissolve the Union between the State of Alabama and other States united under the compact, styled the Constitution of the United States of America," be, and the same is hereby declared unconstitutional, null and void.

Passed, November 29, 1867.

No. 17.] AN ORDINANCE

For the relief of John A. Lyle, Thomas Lyle, and others, heirs of Thomas Lyle, deceased.

Be it Ordained by the people of the State of Alabama in Convention assembled, That the Court of Probate of Morgan county, in this State, have and be clothed with full power and jurisdiction over all the estate, real and personal, of Thomas Lyle, late of Morgan county, deceased, wherever such estate may be situated in this State, to direct the administration, the division and distribution of said estate, in the same manner, and to the same extent that could be done if all said estate were situated in said county of Morgan, aforesaid.

Passed, November 29, 1867.

No. 18.] AN ORDINANCE

For the relief of Reuben Kelly, of the county of Russell.

THAT WHEREAS, by a decree of the Chancery Court of the 13th District, Southern Chancery Division of the State of Alabama, at the spring term thereof, 1867; that Letha Ann Kelly, wife of Reuben Kelly, of the county of Russell, was divorced from the bonds of matrimony from her said husband, and thereby relieved from all disabilities and allowed to marry again.

Now, therefore, be it ordained by the people of the State of Alabama in Convention assembled, That the said Reuben Kelley be, and he is hereby, relieved from all disability, on account of his matrimonial relation to the said Letha Ann Kelly, and that he is hereby authorized to marry again without violation of law.

Passed, November 30, 1867.

No. 19.] AN ORDINANCE

For the relief of Mrs. DeVane.

Be it ordained by the people of the State of Alabama in Convention assembled, That the bonds of matrimony between Peyton DeVane and Mary DeVane be, and the same are hereby dissolved.

Passed, November 30, 1867.

No. 20.] AN ORDINANCE

To dissolve the bonds of matrimony existing between James L. Jackson and his wife Annie Jackson, formerly Baynion.

Be it ordained by the people of the State of Alabama in Convention assembled, That the bonds of matrimony existing between James L. Jackson and his wife, Annie Jackson, formerly Baynion, be and are hereby dissolved and held for naught.

Passed, November 30, 1867.

No. 21.] AN ORDINANCE.

To ratify an act of the General Assembly in aid of the Mobile Board of School Commissioners.

WHEREAS, By an act of the Legislature of the State of Alabama, approved February 15th, 1856, the School Commissioners of the county of Mobile, were empowered to levy a tax, as therein specified, upon the real and personal property of said county, as found by the latest appraisement roll of the State and County Assessor, for the benefit of the Public Schools in said county; and whereas, the said Board of School Commissioners have construed the provision of the act as embracing, or intending to embrace, all subjects or objects of taxation, upon which the State derives a revenue; and whereas, a different construction is now attempted to be put on said act, and many persons in said county refuse to pay their taxes under the plea that they are incorrectly levied, to the embarrassment of the Board of School Commissioners, and the detriment of the interest of the public schools in said county; therefore,

SECTION 1. *Be it ordained*, That the school tax as now and hereretofore levied by the Board of Mobile School Commissioners, is hereby declared to be in accordance with the true interest and meaning of the act of the Legislature aforesaid, and that the tax collector of said county, is authorized and directed to proceed with the collection of said tax on all subjects of taxation on revenues within said county as heretofore.

SEC. 2. *Be it further ordained*, That the Judge of Probate of the said county of Mobile, shall hereafter pay over directly to the School Commissioners of said county, the money collected by him for the benefit of the public schools of said county, under the provisions of the said act of the Legislature, approved February 15th, 1856.

Passed, November 30, 1867.

No. 22.] AN ORDINANCE

For the Organization of the Volunteer Militia.

SECTION 1. *Be it ordained by the people of the State of Alaba-*

ma in Convention assembled, That a volunteer militia of this State, shall be organized from the able-bodied male inhabitants of the State over the age of eighteen (18) years, without regard to race or color.

SEC. 2. Upon the written petition of forty persons, liable to military duty under the Constitution of this State, recommending a suitable person to raise and command a militia company, the Governor may give such person authority to organize the same when filled to the maximum number required for a company by the United States army regulations; when the company so raised shall be accepted by the Governor, he shall issue a commission as captain to said person; *Provided*, That such person shall be known to be loyal to the government of the United States.

SEC. 3. Subalterns and non-commissioned officers, shall be chosen by two-thirds of the members of their respective companies; field officers of regiments, and separate battalions, by the written roll of the commissioned officers of their respective regiments and battalions; Major-General, Brigadier Generals and commanding officers of regiments, or separate battalions, shall appoint the staff officers of their respective divisions, brigades, regiments or separate battalions.

SEC. 4. No county in the State shall have more than one company for every thousand qualified electors, but each county may have one company.

SEC. 5. The Governor, on entering upon the discharge of his duties, shall immediately proceed to organize the militia into platoons, companies, battalions, regiments, brigades and divisions. Platoons, companies and regiments shall be composed of the number of commissioned officers, non-commissioned officers and men, now required by the revised regulations of the army of the United States. A regiment shall consist of not less than eight companies, with the number of field and staff officers prescribed by the revised army regulations, for the particular branch of the service to which it may be assigned. A brigade shall consist of three or more regiments.

SEC. 6. Platoons or companies, as soon as organized, shall elect the subalterns and non-commissioned officers. The commissioned officers of all regimental brigades and staff officers, appointed by the Governor, shall, before commissions are issued to them, take and subscribe the following oath:

I do solemnly swear or affirm, that I am not disfranchised by the Constitution of Alabama, or the Constitution or laws of the United States; that to the best of my ability, I will support and defend the Constitution and laws of the United States, the Union of the States thereunder, and the Constitution and laws of the State of Alabama, against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without mental reservation or purpose of evasion, and that I will well and truly discharge the duties of the office on which I am about to enter—so help me God.

The staff of general officers shall be the same as, for the time, may be prescribed by the regulations of the United States army, or orders of the War Department, governing appointments of officers of the same grade, in the United States service, all of whom shall be detailed from the line of the command of the officers to whose staff they are attached.

SEC. 7. The staff of the commander-in-chief shall be an Adjutant-General, with the rank and pay of Colonel of cavalry; a Quarter-Master-General, an Inspector-General, and a Commissary-General, each with the rank and pay of Colonel of cavalry; a Pay-Master-General, with the rank and pay of Lieutenant-Colonel of infantry; a Surgeon-General, with the rank and pay of Colonel of infantry; a Judge-Advocate-General, with the rank and pay of Lieutenant-Colonel of infantry; three Aids-de-Camp, with the rank and pay of Major of infantry; he may detail from the line and field officers of any regiment such officers as he may deem proper, and assign them to duty on his staff.

SEC. 8. It shall be lawful for the commander-in-chief to call into service such platoons, companies, regiments, or other force as the safety and peace of the State may require, and to issue such orders, instructions, general and special, as may be necessary to insure good discipline and perfection in drill, and safety to the persons and property of the citizens of the State.

SEC. 9. The publication of the proclamation of the Governor shall be deemed sufficient notice to all persons belonging to the organized militia to report to their respective commanding officers for active service.

SEC. 10. The articles of war and regulations, as published by the War Department of the United States, shall be observed by the volunteer militia of Alabama, in every particular, not otherwise provided by this ordinance, and the manner of drill shall be such as is prescribed in the tactics adopted for the United States army.

SEC. 11. Whenever the militia, or any part of it, is called into service, the Inspector-General, or his assistants, shall muster such force into the service, on the rolls of the platoon or company, one of which rolls shall be retained by the commanding officer of the platoon or company, one copy shall be returned to the Adjutant-General of the State, and one copy to the district headquarters. He shall administer to each platoon or company, separately, the following oath:

"You, and each of you, do solemnly swear, that you will support, protect and defend the United States and the State of Alabama, and the Constitution and laws thereof, against all their enemies; that you will assist in enforcing the laws, and will obey all lawful orders of the officers having authority to command you while in the service, so help you God."

Sec. 12. Any one who shall have been enlisted in the volunteer militia of the State, having been previously made acquainted with the duties and requirements of the service, and shall afterwards neglect or refuse to obey the lawful orders of his superior officer, or wilfully violates any of the provisions of this ordinance, shall pay the sum of two and one half dollars, to be levied upon his goods and chattels, by order of the commanding officer of the district, and shall be subject to trial by court martial and subjected to such punishment as said court martial shall deem just, and shall then be assigned to such platoon or company as the commanding officer of the district may direct, and any person thus liable to militia service, who shall refuse or neglect to perform such service, shall pay a fine of one dollar per day for every day he fails to render such service, after having been thereto required by his officers; and in addition thereto, such delinquent shall be subject to arrest and punishment, within the discretion of a court martial, and nothing in this section shall be construed to exempt any man from military service.

Sec. 13. The commanding officer of each platoon or company shall certify to the commanding officer of the battalion or regiment to which he is attached a list of all persons liable to fine under the provisions of this ordinance, with the number of days each person has neglected or refused to do duty, which lists shall be by the commanding officer of the battalion or regiment certified to the Clerk of the Circuit Court of the county ten days before the next term of the said Court, who shall place a copy of said list on a conspicuous place in his office at least five days before the first day of the term.

Sec. 14. It shall be the duty of the Circuit Court to render a judgment and an execution against each person named in his said list for the sum due by him and cost, which shall be collected as other fines. The Sheriff of the county may collect all sums due in said list before judgment, and shall pay over the same to the State Treasury, to the credit of the militia fund. He shall certify to the commanding officer of the district the names of all persons who fail to pay the amount stated against them in said lists, or who have no property whereof to levy such execution; and it shall be the duty of the Circuit Attorney of the proper circuit, to prosecute all such matters as shall come before the said court by virtue of said section.

SEC. 15. The uniform of volunteer militia of Alabama, shall be the same as prescribed by the United States army regulations for the army of the United States.

SEC. 16. All officers when on duty shall wear the uniform of their rank, and no person, not in the military service of the State or the United States, shall wear any insignia of rank, under a penalty of one hundred dollars for every offense, to be recovered by suit and summary trial before any Justice of the Peace.

SEC. 17. The pay of the volunteer militia when called into actual service of the State or of the United States, shall be the same for officers and men as allowed for the time by the United States, to officers and soldiers, and every enlisted man shall receive fifty cents for each day's service of his horse when he is mounted.

SEC. 18. All taxes levied and collected for military purposes, and all fines imposed upon militia-men by this ordinance; all proceeds of the sale of contraband or captured property seized or captured by the militia, and all other appropriations and levies made for the benefit of the militia, shall likewise be paid into the treasury to the credit of the said fund. Out of such fund shall be paid all expenses incurred according to law, and audited by the proper officers, and appropriations for military purposes, as other claims against the State.

SEC. 19. The Governor of the State shall lay before the General Assembly at each regular session thereof a report of the money expended for militia purposes, and an estimate of the funds necessary for support of the militia for the next two years.

SEC. 20. Any officer, civil or military, who may refuse to account for, and pay over according to law, any moneys or property, coming into his hands belonging to the militia fund, shall upon conviction thereof, in the circuit or criminal courts, on indictment, be sentenced to imprisonment in the penitentiary for a term of not less than one or more than five years.

SEC. 21. Courts martial shall be constituted and shall proceed in all cases, and be governed by the laws and regulations prescribed for the United States army.

SEC. 22. The General Assembly of the State shall provide the ways and means for the payment of the Alabama volunteer militia when in actual service, and may at any time amend or repeal this ordinance.

SEC. 23. It shall be the duty of the Governor, in organizing the militia of the several counties into regiments, brigades and divisions, to so distribute the several commands as to ensure the public safety.

SEC. 24. The following shall be the apportionment to the several counties, of militia:

To Baldwin, Bibb, Blount, Clay, Cherokee, Cleburne, Coffee, Conecuh, Coosa, Covington, Dale, DeKalb, Franklin, Jefferson, Marshall, Marion, Morgan, St. Clair, Walker, Washington and Winston, one company each.

To Autauga, Butler, Calhoun, Chambers, Clark, Crenshaw, Elmore, Henry, Jackson, Lauderdale, Limestone, Monroe, Pickens, Randolph and Shelby, two companies each.

To Bullock, Greene, Hale, Lowndes, Lee, Macon, Pike, Russell, Talladega, Tallapoosa and Tuscaloosa, three companies each.

To Barbour, Madison, Sumter and Wilcox, four companies each.

To Marengo, Perry and Dallas, five companies each.

To Montgomery and Mobile, seven companies each.

Passed, November 30, 1867.

No. 23.] AN ORDINANCE

Relative to marriages between Freedmen and Freedwomen.

WHEREAS, During the existence of slavery, the usage of the country permitted many thousands of its people to live together without the binding obligations of lawful marriage, and in many instances these connections were forced to suit the wishes and interest of the owner.

SEC. 1. *Be it ordained by the people of the State of Alabama in Convention assembled*, That all such freedmen and women who shall now be living together as man and wife, shall be regarded in law as man and wife, and that the children of such connection, whether they be black or of mixed color, shall be and are hereby declared to be entitled to all the rights, benefits and immunities of children of any other class under the laws of Alabama.

SEC. 2. *And be it further ordained,* That all prosecutions for bigamy, adultery and fornication, instituted against any person or persons who have, by mutual consent, dissolved such connection, and afterward married another person, shall be null and void.

Passed, November 30, 1867.

No. 24.] AN ORDINANCE

To give speedy redress for trespass upon person or to liberty.

WHEREAS, It is fit that the people should have fully as long a time within which to seek redress by suit for trespasses or wrongs to person or to liberty, as they have to seek redress to real or personal property; and,

WHEREAS, Such is not now the law of this State:

Therefore, be it ordained by the people of the State of Alabama in Convention assembled, That for any trespass to person or liberty, such as false imprisonment or assault and battery, committed since the surrender of the Confederate force under Gen. Robert E. Lee, or which may be hereafter committed, the injured person or persons may sue at any time within six years from the time such trespass or wrong was committed; and all laws in conflict with this ordinance are hereby repealed and declared wholly inoperative.

Passed, December 2d, 1867.

No. 25.] AN ORDINANCE

For the relief of Congregations of Colored Persons.

Be it ordained by the people of the State of Alabama in Conventon assembled, That whereas, it is stated that many cases exists, in which property was purchased for the use of congregations of colored persons for religious purposes, and the property was vested in white persons as trustees for the use of such Congregations, and that the said persons refuse to devote the property to such use. Now therefore, upon complaint of the duly appointed trustees or trustee, of such a congregation, the Judge of Probate of the county in which the land may be situated, shall have jurisdiction to hear and determine the case, and he shall give notice by personal service, to the persons in possession of such property, resident in the State for thirty days, and if not resident in the State, by publication in a newspaper of said county, and, after such notice, the Judge shall proceed to hear and determine the said application according to the law and equity of the case; *Provided*, That any one who may make himself a party to the proceedings, may take an appeal to the Circuit Court, or Supreme Court of the State, within six months from the final decree in the case.

Passed, December 2, 1867.

No. 26.] AN ORDINANCE

Instructing the General Assembly to institute proceedings to recover back money wrongfully paid out of the Treasury of the pretended Government of Alabama.

Be it Ordained by the People of the State of Alabama in Convention assembled, That the General Assembly shall at its first session, under the new Constitution of the State, provide for the institution of suits against persons named in the statement of M. A. Chisholm, acting Comptroller, under the pretended Government of Alabama, or such of said persons as they may deem proper, for the recovery of money had and received on account of services rendered during the rebellion, and paid since the 30th day of September, 1865.

Passed, December 3d, 1867.

No. 27.] AN ORDINANCE

To abolish the new county called the county of Baine, formed by the last General Assembly of this State.

Be it Ordained by the People of the State of Alabama in Convention assembled, That the new county called the county of Baine, formed out of portions of the counties of Cherokee, DeKalb, Marshal, Blount, St. Clair and Calhoun, in this State, by act of the General Assembly of this State, purporting to have been approved on the seventh day of December, 1866, and numbered 92 among the published acts of said General

Assembly, be and the same is hereby abolished, and the territory and jurisdiction of said new county of Baine is restored to the counties out of which it was formed as the same existed before the formation of said new county.

Passed, December 3d, 1867.

No. 28.] AN ORDINANCE

To render Durham W. Siler, Judge of Probate of Pike county, competent to sit as Judge in certain cases.

SECTION 1. *Be it Ordained by the People of the State of Alabama in Convention assembled,* That Durham W. Siler, Judge of Probate of Pike county, be, and he is hereby declared competent to sit as Judge in any matters relating to the estate of Solomon Siler, deceased, or of Jane O. G. Siler, deceased, either in the administration and settlements of said estates or any matter relating to the guardianship of their children, notwithstanding his relationship to them, or either of them, or any of the parties who may be administrators, executors, or guardians.

Passed, December 3, 1867.

No. 29.] AN ORDINANCE

To stay the Collection of Debts.

Be it Ordained by the People of the State of Alabama in Convention assembled, That when any writ of execution, *venditioni exponas,* or other legal process, requiring the sale of property, shall be, or has been issued from any court of this State, it is made the duty of the officer to whom delivered for collection, to return the said writ or other process to the proper court, with his endorsement thereon, "Returned by operation of Law," dated and signed by him. This ordinance to remain in full force until the first day of January, 1869; *Provided,* This ordinance shall not apply to judgments in favor of laborers and mechanics for services rendered since July 21st, 1865.

Passed, December 3d, 1867.

No. 30.] AN ORDINANCE

To protect Electors.

WHEREAS, The welfare of the State requires that electors should exercise their rights without fear or improper influence; therefore,

SECTION 1. *Be it Ordained by the People of the State of Alabama in Convention assembled,* That it shall be unlawful for any person to injure, threaten, or in any way intimidate, an elector in consequence of the manner in which he may have voted or is expected to vote at any election, or to offer an elector any bribe or reward, in consideration of his vote; or to knowingly deceive or mislead an elector in relation to the time or place of holding an election, or in relation to the name or political affiliation of any candidate.

SEC. 2. *Be it further ordained,* That any person violating the provisions of this ordinance, shall upon conviction be imprisoned in the penitentiary not less than one year nor more than ten years, or shall be fined not exceeding two thousand dollars, or imprisoned in the county jail not exceeding six months, at the discretion of the jury trying the same.

SEC. 3. *Be it further ordained,* That all votes shall be given by ballot. Electors shall in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same, and no elector shall be obliged to do road duty on the days of election.

Passed, December 3d, 1867.

No. 31.] AN ORDINANCE

In relation to Collection of certain Taxes in Baldwin county.

Be it Ordained by the People of the State of Alabama in Convention assembled, That the Tax Collectors of Baldwin county, Alabama, Robert Barlow and William Wilkins, pay over to the Treasurer of said county, within thirty days, the amount of money collected of the tax payers of said county, for the year 1865, without commission or fee for the same; the money thus placed in the hands of the Treasurer of the county, to be subject to the order of the persons from whom it was collected.

Passed, December 4, 1867.

No. 32.] AN ORDINANCE

Concerning the Election for Ratification of the Constitution, and for State and County officers and Members of Congress.

SECTION 1. *Be it Ordained by the People of the State of Alabama in Convention assembled,* That the Constitution adopted by this Convention be submitted for ratification to the voters of this State, registered and qualified as provided by the acts of Congress, known as the Reconstruction Laws, beginning on Tuesday the 4th day of February, 1868. The vote on said Constitution shall be, "For the Constitution," and "Against the Constitution." The said election shall be held at the places and under the regulations to be prescribed by the Commanding General of this Military District, and the returns made to him as directed by law.

SEC. 2. An election shall be held at the same time and places as the election for the ratification of the Constitution, for Senators and Representatives in the General Assembly, and for all State and county officers, who are to be elected by the people under this Constitution.

SEC. 3. The number of Supreme Court Judges shall be one Chief Justice and two Associate Judges; the Chancery Divisions and Judicial Circuits shall remain as now existing.

SEC. 4. The said election for State and county officers shall be conducted under the same regulations as the election for the ratification of the Constitution, and by the same persons. The returns of election shall be made to the President of this Convention, who shall give certificates of election to the persons chosen for the respective offices. The officers so elected shall commence the discharge of the duties of the offices for which they are chosen, as soon as elected and qualified in compliance with the provisions of the Constitution herewith submitted, and shall hold their respective offices for the term of years prescribed by the Constitution, beginning from the day of next general election after the admission of the State into the Union, and until their successors are elected and qualified.

SEC. 5. An election for members of the House of Representatives of the United States shall be held in each of the Congressional Districts as now established, at the same time and place as the election for the ratification of the Constitution; said election shall be conducted by the same persons, and under the same regulations as before mentioned in this ordinance. The returns shall be made to the President of this Convention, who shall give to the persons chosen certificates of election.

SEC. 6. The members of the General Assembly, elected under this ordinance, shall assemble at the Capitol, in the city of Montgomery, on Wednesday, the 18th day of March, 1868.

SEC. 7. The Commanding General of this Military District is requested to enforce this ordinance.

Passed, December 4, 1867.

No. 33.] AN ORDINANCE

Authorizing the amendment or repeal of the Ordinances adopted by this Convention.

Be it Ordained by the People of the State of Alabama in Convention assembled, That the ordinances passed by this Convention may be amended or repealed by the Legislature of this State, two-thirds of each house voting for the same.

Passed, Dec. 6, 1867.

No. 34.] AN ORDINANCE

To pay the expenses of receiving the returns of the election for State officers &c. ordered to be held by this Convention.

Be it Ordained by the People of the State af Alabama in Convention assembled, That the per diem and mileage of the President of this Convention, in attending to and receiving the returns of election of State officers, &c., and issuing certificates to the persons elected, and all other needful expenses attending the same, shall be paid in the same way the expenses of this Convention are paid.

Passed, December 6, 1867.

No. 35.] AN ORDINANCE

Concerning appeal and other bonds, and damages in appeals.

Be it Ordained by the People of the State of Alabama in Convention assembled, That all injunctions or appeals, forth-coming, and other bonds, required in judicial proceedings, shall be taken to the amount of the debt and costs, and twenty per cent. additional, and pledges of property may be given as security instead of personal securities; and in cases of appeal where damages are awarded, the amount of damages shall be five per cent. of the amount of the judgment or decree.

Passed, December 6, 1867.

No. 36.] AN ORDINANCE

To relieve insolvent debtors.

SECTION 1. *Be it Ordained by the People of the State of Alabama in Convention assembled,* That any citizen of this State, whose debts do not exceed the sum of one thousand dollars, and who is unable to discharge said indebtedness, without depriving his or her family of the means of support, shall be released from all obligation to pay the same, upon the conditions hereinafter prescribed.

SEC. 2. *And be it further Ordained,* That any citizen wishing to take the benefit of this ordinance, shall file with the Probate Judge of the county in which he or she resides, a list of the names of his or her creditors, and of the amounts due to them respectively; and also a schedule of all the property owned by him or her, if any, not exempted by this ordinance, from sale on execution, and said list and schedule shall be verified by affidavit.

SEC. 3. *Be it further Ordained,* That there shall be exempted under this ordinance, to every head of a family, personal property to the amount of one thousand dollars, to be selected by the debtor, and of real estate, a "homestead," not exceeding eighty acres of land in the country, or a house and lot in a city or town; *Provided,* That the real estate so exempted, shall not exceed fifteen hundred dollars in value; *And provided further,* That any creditor of an insolvent debtor, may require a jury of twelve disinterested citizens to assess the value of the property, real or personal, claimed to be thus exempted upon affidavit of belief that its value is in excess of the amount herein specified.

SEC. 4. *Be it further Ordained,* That the debtor, at the time of filing the aforesaid list and schedule, or as soon thereafter as the Probate Judge may direct, shall turn over to said

Judge, the property described in said schedule, to be by him divided among the creditors.

SEC. 5. *Be it further Ordained*, That debtors who have no property in excess of that exempted by the provisions of this ordinance, shall be discharged from indebtedness, by filing the list of debts as provided in section 2, of this ordinance, together with an affidavit, setting forth the fact that the debtor owns no property not exempt from sale, by the provisions hereof.

SEC. 6. *Be it further Ordained*, That the said Probate Judge shall, immediately after the filing of said list of creditors, notify each of them, by mail or in person, that application has been made for the discharge of the debtor, from such debts under the provisions of this ordinance; and he shall, in the same notice, appoint a day for a meeting of the creditors, at a place to be named, to determine whether or not, the property turned over by him, shall be divided by mutual agreement, between the creditors, and show cause, if any there be, why the debtor shall not be discharged.

SEC. 7. *Be it further Ordained*, That if the creditors of any debtor shall not agree upon the division of the property turned over to the Probate Judge, it shall be the duty of said Judge, to cause the same to be sold at public sale, of which thirty days' notice shall be given, and to divide the proceeds of said sale, after deducting the costs of proceedings under this ordinance, among the said creditors in proportion to the amount of their respective claims.

SEC. 8. *Be it further Ordained*, That the Probate Judge shall be allowed the same fees for filing papers and issuing notices under this ordinance, as are allowed him by law, in other cases; and for advertising and selling property, the same fees as are allowed to sheriffs for similar services.

SEC. 9. *Be it further Ordained*, That it shall be the duty of the Judge of Probate, to keep a full record of the proceedings in each case, under this ordinance, and he shall be entitled to a fee of five dollars for such services, to be paid at the time of filing the list and schedule by the debtor.

SEC. 10. *Be it further Ordained*, That all laws, and parts of laws, now in force in this State, which are in conflict with the provisions of this ordinance, be, and the same are hereby repealed.

SEC. 11. *Be it further Ordained*, That the exemption laws now in force in this State, are hereby repealed.

SEC. 12. *Be it further Ordained*, That the General Assembly shall, after its first session, have power at any time, to alter, amend or repeal this ordinance.

Passed, December 6, 1867.

No. 37.] AN ORDINANCE

Declaring the war debt of Alabama void.

Be it ordained by the people of the State of Alabama in Convention assembled, That all debts and liabilities created by this State in aid of the late rebellion, directly or indirectly, are hereby declared null and void, and the General Assembly of this State, or any Department thereof, shall have no authority to assume or provide for the payment of any portion of said debts, nor shall the General Assembly of this State have authority to assume or provide for the payment of any portion of the debts contracted or incurred, directly or indirectly, by the so-called Confederate States, its agents, or by its authority.

Passed, December 6, 1867.

No. 38.] AN ORDINANCE

Concerning the value of contracts, where the consideration was Confederate bonds or currency, and for the purchase of slaves.

SECTION 1. *Be it ordained by the people of the State of Alabama in Convention assembled,* That all contracts for the sale of land which are incomplete by reason of the purchase-money being unpaid, or the title, deeds and conveyances being unexecuted, and which sale took place between the 11th day of January, 1861, and the 9th day of May, 1865, unless paid for, or contracted to be paid for in the legal currency of the United States, or property, other than slaves, are hereby declared null and void, at the option of the parties, or either of them; *Provided,* That subsequent purchasers shall not be affected by the provisions of this section.

SEC. 2. *And be it further ordained,* That all bills, bonds, notes, or evidences of debt, outstanding and unpaid, given for or in consideration of bonds or treasury notes of the so-called Confederate States, or notes or bonds of this State paid and redeemable in the bonds or notes of the Confederate States, are hereby declared null and void, and no action shall be maintained thereon in the courts of this State.

SEC. 3. *And be it further ordained, and it is hereby declared,* That there is a failure of consideration, and it shall be so held by the courts of the State, upon all deeds or bills of sale, given for slaves, with covenants of warranty of title or soundness, or both, and upon all bills, bonds, notes, or other evidences of debt, given for or in consideration of slaves, which are now outstanding and unpaid, and no action shall be maintained thereon, and that all judgments and decrees rendered in any of the courts of this State since the 11th day of January, 1861, upon any deeds or bills of sale, or upon any bond, bill, note, or other evidence of debt based upon the sale or purchase of slaves, are hereby declared set aside, and the plea of failure of consideration shall be held a good defense in all actions to said suit; *Provided,* That settlements and compromises of such transactions, made by the parties thereto, shall be respected.

Passed, December 6, 1867.

No. 39.] AN ORDINANCE

To declare void certain judgments, and to grant new trials in certain cases therein mentioned.

SECTION 1. *Be it ordained by the people of the State of Alabama in Convention assembled,* That in all cases where judgments have been rendered on penal statutes, where the object was declared in the statute to assist in carrying on the late war against the United States, such judgments be, and the same are hereby declared void and inoperative.

SEC. 2. *Be it further ordained,* That parties against whom judgments or decrees were rendered in courts of record, after the 11th day of January, 1861, and up to the time of the adoption of this ordinance, shall be entitled to a new trial on application, where the judgments were obtained or the decrees procured on contracts made during the time designated, where it was agreed between the parties or understood that the same should be discharged by a payment in Confederate currency or Treasury notes; *Provided,* The Court shall be satisfied, from all the facts submitted by affidavit by both parties, that a good and meritorious defense exists; *And provided* *further*, Such applications for a new trial are made within twelve months from the adoption of this ordinance.

SEC. 3. *Be it further ordained*, That in all cases where judgments or decrees have been rendered since the 11th day of January, 1861, to this date, the party against whom such judgment or decrees have been obtained, shall be entitled to a new trial, upon affidavit showing a meritorious defense, *Provided*, The court shall be satisfied from all the facts that may be submitted by both parties, that a good and meritorious defense exists; *And provided*, Application shall be made within twelve months from the adoption of this ordinance; that all judgments rendered in any of the courts of this State, against defendants, where the consideration was for the purchase-money or hire of a slave or slaves, are hereby declared to be null and void.

Passed, December 6, 1867.

No. 40.] AN ORDINANCE

To allow widows, orphans, and others, to review the validity of sales and settlements of estates made by guardians, trustees, &c.

Be it ordained by the people of the State of Alabama in Convention assembled, That it shall be obligatory upon the Legislature to pass such laws as may be necessary to authorize and direct the Courts of Probate, Courts of Chancery, and all other Courts of this State, to re-examine and review all decisions heretofore made in cases in which the validity of sales of persons acting in a fiduciary capacity as executors, administrators, guardians, trustees, or otherwise, of property for Confederate bonds, Treasury notes, or other securities, has been passed upon; and all decisions in which credits have been claimed by such persons in respect of receipts or payments in such funds or securities, shall have been passed upon; and such revisions may be made on the petition of any one of the parties injured by the decision of such courts in which the question shall be tried *de novo*; *Provided*, Such petition shall be filed within three years from this date, except in the case of minors and unmarried women, who may proceed by petition within one year from the removal of the disability of marriage or infancy; and when judgment shall be rendered in favor of such petitioner, the real estate or property so sold shall be liable to the satisfaction of such judgment; *Provided*, Nothing herein contained shall authorize such petition, or to recover judgment for any property in slaves.

Passed, February 6, 1867.

No. 41.] AN ORDINANCE

For the relief of Joseph H. Davis.

Be it ordained by the people of the State of Alabama in Convention assembled, That the Comptroller of this State be, and he is hereby authorized and required to issue a new warrant on the Secretary of the Treasury of the State for the sum of two hundred and sixteen dollars, the amount of the balance of his pay, issued on the third day of December, 1867, numbered 334, which has been lost, and which is to be issued in lieu of said lost warrant.

Passed, December 6, 1867.

RESOLUTIONS.

No. 1.] A RESOLUTION.

Resolved, That the Secretary be allowed such clerical force as is necessary to furnish the printers with an official copy of such ordinances and reports as the Convention may order printed, so that the Convention may be supplied with copies at the earliest possible moment.

Ratified, November 11, 1867.

No. 2.] A RESOLUTION.

WHEREAS, After establishing and securing equal and just rights of every citizen of the State, the next policy of importance is the advancement of the material condition of the whole people; and

WHEREAS, Internal Impaovements are the acknowledged means of invigorating development, stimulating production, inviting populaiton and creating wealth; and,

WHEREAS, Bills are now before Congress, proposing to inaugurate a national system of cheap freight railways on a greatly improved basis; therefore,

Resolved, That this Convention heartily approve of the principles and plan of the Congressional bills introduced into the Senate of the United States by Senator Henderson of Missouri, Harlan of Iowa, and Nye of Navada; and further, that we recommend the proposed national system to the attention and approval of the people of the State of Alaboma.

Resolved, That this Convention hereby petitions Congress, to adopt the plan proposed in the bills now pending before the Senate, and that provision may be made to authorize the building of a railroad to the Gulf of Mexico, at Mobile and Pensacola, with the lakes at Cleveland and Chicago, upon the cheap freight principle, which, in the opinion of this Convention, is the best plan yet promulgated to promote public economy and the common thrift of the people..

Resolved, That the President of this Convention shall cause copies of the foregoing preamble and resolutions to be forwarded to the President of the United Stated Senate and the Speaker of the House of Representatives, with the request that they may be laid before the respective Houses, as the petition of the people of Alabama, for the early adoption of the proposed plan of cheap freight railways.

Adopted, November 19, 1867.

No. 3.] RESOLUTION OF THANKS

TO MAJ.-GEN. POPE.

WHEREAS, By the public prints published in this State by our adversaries, many false and malicious complaints and charges have been made against the distinguished General in command of the Military District of which the State of Alabama forms a part; and,

WHEREAS, The great body of the people in this State, loyal to the government of the United States, desire to express their entire satisfaction with the manner in which the Military Government has been administered in this State, and to assure the General at the head of said Government of their hearty approval of his course and conduct; therefore

Resolved by the people of the State of Alabama in Convention assembled, That the thanks of the people of this State are due, and are hereby tendered to Major General JOHN POPE, the General in command of the Third Military District, for the free and impartial, and yet just and gentle manner in which his government has been administered.

Resolved, That he has the confidence of the people of this State, and shall enjoy their sympathy and support in the discharge of the important and delicate duties of his high office.

And be it further resolved, That a copy of this preamble and of these resolutions be forwarded to Major General POPE by the President of this Convention.

Adopted, November 21, 1867.

No. 4.] A RESOLUTION

Resolved, That a committee of three be appointed by the Chair to examine the accounts of this Convention for per diem and mileage, and the accounts of officers and all other accounts for which warrants are to be required by the President, and report them correct before they are presented for his signature.

Passed, November 27, 1867.

No. 5.] A RESOLUTION.

Resolved by the People of the State of Alabama in Convention Assembled, That during the absence of the President, Charles A. Miller of Lowndes, be appointed President pro tem.

Passed, November 25, 1867.

No. 6.] A RESOLUTION.

Resolved by the People of the State of Alabama in Convention Assembled, That when this Convention adjourn, it shall adjourn subject to the call of the President, E. W. Peck, or of the Commanding officer of the Military District or Division; *Provided,* That should it not be re-convened within one year it shall be considered as having adjourned *sine die.*

Passed, December 2, 1867.

No. 7.] A RESOLUTION

Of Mr. Gardner, concerning two and three per cent. Funds.

Passed, December 2, 1867.

No. 8.] A RESOLUTION.

Resolved, That the Assistant Secretary, Engrossing, Enrolling, Journal and Ordinance Clerks, be entitled to eight dollars per diem, provided they do not charge for extra time while in attendance on the Convention.

Passed, December 3, 1867.

No. 9.] A RESOLUTION.

Resolved, That the Auditing Committee of the Convention be instructed to audit the accounts of the Clerks of the Committees of the Convention, according to the rates allowed the Engrossing Clerk of the Convention.

Passed, December 3, 1867.

No. 10.] A RESOLUTION.

Resolved, That the Committee on Printing be authorized and instructed to cause to be printed, by the lowest bidders, seven thousand copies of the Constitution adopted by this Convention, and one thousand copies of the proceedings of this Convention, including the ordinances passed; *Provided*, That the cost of the same shall not exceed the prices named in the proposition presented by Mr. John Hardy, on December the 4th, 1867.

Resolved, That the Secretary of the Convention, be paid the sum of two hundred and fifty dollars, for the preparation of the proceedings for the printer, and for superintending and proof reading of the same.

Passed, December 3, 1867.

No. 11.] A RESOLUTION.

WHEREAS, The Constitution as it is amended, is founded upon the principles of justice, honesty and civilization, and

WHEREAS, The enemies of law, order, freedom and justice, have pledged themselves to prevent its adoption, and

WHEREAS, The history of the past affords us abundant proof that God strengthens and assists those who endeavor to do right, therefore

Resolved, That this Convention set apart a day, whereby the good and loyal people of Alabama can, collectively, offer up their adorations to Almighty God, and invoke his aid and assistance to the loyal people of the State while passing through the bitter strife that seems to await them.

Passed, December 6, 1867.

No. 12.] A RESOLUTION.

Resolved, That this Convention tender its cordial and sincere thanks to the Hon. E. W. Peck, the President of this Convention, for the able, impartial and courteous manner in which he has presided over the deliberations of this body.

Passed, December 6, 1867.

No. 13.] A RESOLUTION.

Resolved, That the thanks of this Convention be tendered to the Secretary, his able corps of assistants, the Sergeant-at-arms, the Messengers and Pages, for the faithful, prompt and acceptable manner in which they have discharged their respective duties.

Passed, December 6, 1867.

No. 14.] A RESOLUTION.

Resolved, That it be the duty of the Secretary of the Convention, so soon as the printing has been done, to transmit to the members thereof, at their respective post-offices, four copies of the Journal of the proceedings and ordinances passed, and ten copies of the Constitution, and transmit such printed matter to such other parties as may be directed by the Convention.

Passed, December 6, 1867.

No. 15.] A RESOLUTION.

Resolved by the people of the State of Alabama in Convention assembled, That the Secretary of this Convention be instructed to furnish the Alabama State Sentinel, the Nationalist, the Elmore Standard, the East Alabama Monitor, the Alabama Republican, the Tallapoosian, the Reconstructionist, the Huntsville Advocate, the Moulton Union, the Livingston Messenger, newspapers printed in this State, a copy of the Constitution for publication in four successive numbers of the weekly issue of each, at a cost not exceeding five hundred dollars.

Passed, December 6, 1867.

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ERRATA.

(Twenty-seventh day's Proceedings)—Geo. P. Plowman of Talladega, voted yea, on adoption of Constitution.

Ordinance No. 22, Section 1, should read "between the ages of 18 and 45 years."